

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**SENATE**

Friday, April 15, 1927

Senate called to order by the President

Prayer by the Rev. W. P. Bradford of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House Resolve in favor of the prison commission (H. D. 615) (In the Senate, April 14th, bill indefinitely postponed.)

In the House, that branch insisted on its former action whereby the bill was passed to be engrossed, and asked for a committee of conference, the Speaker having appointed as House members of such a committee: Messrs. Gilchrest of Thomaston, Rawley of St. George, Varnum of Westbrook.

In the Senate, on motion by Mr. Morrison of Franklin, that body voted to adhere to its former action whereby the bill was indefinitely postponed.

From the House: An Act relating to the Police Commission of Lewiston, requiring the Commissioners to be appointed by the Mayor, and providing a referendum to the electors of Lewiston. (S. D. 299)

(In the Senate, April 14th, voted to adhere to former action whereby minority report "Ought not to pass" was accepted.)

In the House, that branch insisted on its action whereby the bill was passed to be engrossed, and asking for a Committee of Conference, the Speaker having appointed as House members of such a Committee, Messrs. ROY of Lewiston,

HAMEL of Lewiston,

CYR of Lewiston.

In the Senate:

Mr. HOLMES of Androscoggin: Mr. President, I move that this bill be tabled and specially assigned for later in this legislative day.

A viva voce vote being doubted

A division of the Senate was had.

Eight Senators having voted in the affirmative and thirteen in the negative the motion to table failed of passage.

From the House: An Act to amend Section 28 of Chapter 145 of the Revised Statutes, relating to the sup-

port of Insane Patients. (H. D. 620) (In Senate, April 14, passed to be engrossed in non-concurrence.)

In the House, that branch adhering to its former action whereby the bill was indefinitely postponed.

Mr. MITCHELL of Aroostook: Mr. President, in the absence of the Senator from Cumberland, Senator Oakes, I move this matter be tabled.

The motion to table prevailed.

From the House: An Act providing for the appointment of a Deputy Secretary of State to be designated a Registrar of Motor Vehicles and to place the administration of the several motor vehicle provisions of law under his jurisdiction and administration. (H. P. 1331)

(In Senate, April 14, minority report "ought not to pass" accepted in non-concurrence.)

In the House, that branch adhering to its former action whereby the bill was passed to be engrossed.

In the Senate, on motion by Mr. Granville of York, that body voted to insist and ask for a committee of conference.

The PRESIDENT: The Chair will later appoint the conferees.

From the House: Resolve in favor of several academies, institutes, seminaries and colleges for maintenance, repairs and improvements. (S. D. 386)

(In Senate, April 14, passed to be engrossed, as amended by Senate Amendments "A", "B" and "C".)

In the House, Senate Amendments "A", "B" and "C" rejected, and resolve passed to be engrossed in non-concurrence.

In the Senate, on motion by Mrs. Allen of Penobscot, that body voted to recede and concur with the House.

From the House: The majority of the Committee on Banks and Banking, on bill An Act relating to the Bar Harbor Banking and Trust Company (H. D. 616) reported that the same ought not to pass.

(Signed)

DECKER  
FOSTER  
PAGE  
SEAVEY  
SARGENT  
CROCKETT

The minority of the same Committee, on the same subject matter, reported that the same ought to pass.

(Signed)           ROBERTS  
                          MINER  
                          CLIFFORD

In the House, minority report accepted and bill passed to be engrossed.

In the Senate, on motion by Mr. Roberts of York, the minority report was accepted, and on further motion under suspension of the rules the bill received its two several readings and was passed to be engrossed, in concurrence.

From the House: The majority of the Joint Committees on Ways and Bridges and Taxation, on bill, An Act relating to a tax upon gasoline. (H. D. 212) reported the same in a new draft, under the same title (H. D. 629) and that it ought to pass.

(Signed)           ROBERTS  
                          NICKERSON  
                          SMITH  
                          CASE  
                          BOND  
                          KITCHEN  
                          METCALF  
                          AYER  
                          LOWELL  
                          MERRILL  
                          PIKE  
                          MARDEN  
                          PIPER  
                          HOLBROOK  
                          GOODWIN  
                          CRAM  
                          HATHAWAY

The minority of the same Committee, on the same subject matter, reported that the same ought not to pass.

(Signed)           NORWOOD  
                          CARLETON

In the House, majority report accepted and new draft passed to be engrossed as amended by House Amendment "A."

In the Senate, on motion by Mr. Case of Washington, the report was accepted.

Thereupon, under suspension of the rules, the resolve received: its several readings and House Amendment A was adopted in concurrence.

Mr. HOLMES of Androscoggin: Now, Mr. President, before this resolve is passed to be engrossed I wish to offer Senate Amendment A and move its adoption:

"Senate Amendment A to House Paper No. 1304, entitled: 'An Act relating to a Tax on Gasoline. Amend, by adding at the end thereof the following: 'Sect. 4. This act shall be submitted for approval or rejection

tion to the duly qualified voters of the State of Maine at an election to be held on the second Monday of September in the year A. D. nineteen hundred twenty-eight. The aldermen of cities, the selectmen of towns and the assessors of the several plantations in this State, are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, to give in their votes upon this act and the question shall be: Shall the act providing for an excise tax of four cents per gallon upon internal combustion engine fuels be accepted?

'And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the same expressing it by making a cross within the square opposite the word 'yes' upon their ballots and those opposed to the question by making a cross within the square opposite the word 'no' upon their ballots, and the ballots shall be received, counted and declared in open ward, town and plantation meetings, and returns made to the office of the secretary of State in the same manner as votes or governor and members of the Legislature, and the governor and council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the act, the governor shall make known the fact by proclamation, and thereupon this act shall become law. The secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing accompanied by a copy thereof.'"

Mr. HOLMES: Mr. President, of course I want an opportunity to discuss this matter.

The PRESIDENT: The senator having already made the motion for the adoption of the amendment a discussion is in order and the Chair recognizes the senator from Androscoggin, Senator Holmes, as having the floor.

Mr. HOLMES: Mr. President, I can be reasonably brief in discussing this proposed legislation because it is not necessary, I think, to go into details of figures. It is a question of determination of public policy. It is a part

of what you have heard spoken of as the proposed pay-as-you-go policy with regard to road construction and maintenance. I think that it is such a striking departure from the method that we have pursued in this State for all these years that it should be submitted to the people and that no slowing up in the present year's highway business will occur because the highway department with the aid of such necessary enabling acts as the Legislature still has time to pass if necessary can carry on the work until we hear from the people.

We should submit this proposition of a four cent tax on gasoline, an increase of one cent above three, to the people together with, at the same election, a proposal to amend the Constitution to give to the State authority to issue \$12,000,000 of bonds at the rate of \$1,500,000 a year, so that it will mean this, that the people will get a chance to choose for themselves between the two methods.

I am far from being an expert on road matters and am not only not an expert in figures but also have had no training in engineering whatsoever. There may be in this Senate, members who have had the training, education, of civil engineers and perhaps other kinds of engineering. In fact, I believe when I give a moment to think of it that the distinguished senator from Cumberland, Senator Slocum, has that training. And so I say in advance that I have no intention whatsoever of discussing the technical aspects of road building, but I believe that if we go on to the policy of what is called by the high-sounding title of "pay-as-you go", without first consulting the people, that we are going to be as a State seriously disappointed and we are going to regret it in due time.

It is not a subject which the people would find any difficulty in deciding. Although to an extent it may involve questions of financiering and questions of engineering, the important part, the broad question, the issue that would really be faced by the people and decided by them is whether or not our necessary construction and our planned construction can be carried on in the proposed way and also whether or not it is wise public policy to increase the tax upon gasoline for those vehicles using the highways—I believe I understand the exceptions in favor of other internal combustion engines—whether or not that proposed policy is good public policy for the State of Maine at the present time taking ev-

erything into its consideration and especially taking into consideration the movement that has been official for at least two years and unofficial for many years, to advertise Maine and to bring into our State a steadily increasing number of visitors whom we believe, at least in the great majority, come into our State by automobile. Those would be the questions, I think, that the people would look at. Those would be the questions which I believe the people would consider involved in the alternative question which I believe is the best way to handle the matter, and they would easily come to a decision.

Now, it is a serious proposition to raise the tax upon gas to four cents. I believe there are some states that have that much and perhaps one or two that have five cents but you know that the state of Massachusetts has none. Of course it has been predicted that they are going to have a two-cent tax but if they do have such a tax I believe that the proposal is, from my understanding of what I have read in the papers and otherwise, that the registration fees of automobiles will be cut down enough to at least off set that. In addition, Massachusetts has a difference of two cents in the price of gasoline as compared with ours. I believe that New Hampshire has lately raised the tax on gas from two to three cents but now here we are, off in northeastern corner of New England and we are trying hard to keep up with the procession of the forty-eight states in the Union in material progress and in economic welfare. We have been fearful in the last few years—I think unnecessarily myself—that we are slipping, but whether we are slipping or not we are fully awake to the necessity of exerting our every effort for the present and future economic welfare of the state and it would be a great mistake, I think—and I think the electors of the state will so consider it if they have an opportunity—a great mistake to increase the tax upon gasoline to the extent of four cents at the present time.

Now it could be argued, and perhaps has been and perhaps will be, that a one cent tax is not much and a one cent increase in the cost of gasoline is not much from the point of view of the money in your pocket at the time you buy your gasoline and at the time when these visitors

whom we expect to come into the state in increasing numbers, at the time when you, I or they count or consider the extra amount of money. That is true but there is such a thing as the psychological aspect of it, the fact that the news goes out to tourists throughout the eastern part of the country and perhaps even throughout the west and south, that the state of Maine has increased the cost of gasoline by putting on another cent of tax. Now, they haven't got to come to Maine. They can find good scenery and good fishing and a pleasant vacation in the other New England states and in Canada. I am not myself an automobilist and haven't been for a number of years. I got out of that some years ago for reasons sufficient to myself and I have no personal interest in the subject whatsoever. Nevertheless, I try to keep fairly well informed about what is going on in our state even as it affects automobiles and I was impressed very much in reading in the papers last December an account of the automobile association meeting in the city of Portland and I read in full, as it appeared in the papers at the time, the address delivered by James H. McDonald, Chief of the United States Bureau of Public Roads, Washington, D. C., and of course that gentleman is an authority. He discussed the question of how to finance the construction of roads. He was apparently very familiar with and well informed upon the situation in the state of Maine, both in the matter of existing highways and of proposed construction and of the financial conditions of the state of Maine and it was his opinion that the only wise way that would in the long run give satisfaction and bring about the purpose which we all have, and I will say that there is no difference between anyone of you here and myself as to the object to be attained. There is only the question of the methods to be pursued and let me read two paragraphs from what Mr. McDonald said in regard to what is going on in the United States in the different state in regard to financing the construction of roads. In the beginning he is speaking to the state of Maine and advising them.

"The time to build a greater mileage of paved highways has been definitely reached. The demands on the present available income do not

leave funds sufficient to provide for the construction of the uncompleted sections of the state highways or for the reconstruction of the heaviest traffic highways. If the necessary funds are taken from the present income this would use all of the license fees and the gas tax, even though these funds were considerably increased by higher rates. Any considerable increase in property taxes would be unpopular and of doubtful desirability. The most feasible plan, particularly to finance the reconstruction of the heavy traffic highways with durable types of roads, is through a bond issue. There has been much talk about the pay-as-you go policy. This policy is a myth. It does not exist in any state where there has been any considerable mileage of the higher type roadways built. It is true that some states have not issued bonds, but their counties have issued the bonds and have loaned the proceeds to the states, or have built the roads on the state system. There is not a single exception to this rule. In fact there is only one state which has not issued either state or county bonds. Iowa, for example, has issued no state bonds as such, but within the last few months 5 or 6 counties have issued upward of \$6,000,000 in county bonds which will be expended by the state and amortized from the state's income from the motor vehicle. Thus while the bonds are technically not state bonds, in fact they are state bonds, but county credit in place of state credit has been used to float them; a much less satisfactory and more expensive procedure than to issue state bonds outright. It is true that in recent years the state of Virginia has not issued state bonds, but the figures for 1925 show more than \$2,600,000 transferred from the counties to the state, much of which was derived from county bond issues and used by the state for state road purposes. In no state is the income from the motor vehicle licenses and the gas taxes sufficient to maintain the highways of the state system and to provide current funds sufficiently large to make any considerable progress in the building of the higher types of roads on the so-called pay-as-you-go policy."

You see, that gentleman who is very well informed gives it as his opinion that in no state, including

both motor vehicle licenses and the gas taxes, does that provide enough money to attain the proper highway construction. I said I wasn't going into the figures and I am not but you all know as well, and probably better than I do, and especially the distinguished Senator from Somerset who is chairman of the Ways and Bridges Committee, that by all means we must not allow to lapse into the funds of the other states, the \$1,400,000 of Federal money which is coming to us or should be coming to us.

Now, I said I was much impressed by that address of Mr. MacDonald's at the time I read it and I was so much impressed that from that time on I continued to read whatever I found of interest on the subject and I have read each time any statement that has been issued or address made by the Honorable Frank E. Marshall of Portland, a gentleman whom I consider to be the best informed authority in the State of Maine upon automobile laws and automobile policy and one of the best, at least in the matter of highway construction and maintenance of high grade Maine trunk roads, and you all know, certainly everybody who has served on such committees as the two law committees and the highway and bridge committee, you all know how valuable the advice and assistance of Mr. Marshall has been in this session and in preceding sessions upon this question. Committees have relied upon him on various questions concerning various bills that have been laid before them. Probably you have all read at some time within recent weeks the address delivered by Mr. Marshall at that same meeting. It was not only published in full in the daily papers but has also been published in pamphlet form under the title "Maine Road Funds—How Come?" I am not going to take the time to go over it because I assume that you Senators, as well informed men and women, have every one of you read it.

Now, Mr. Marshall is on record in that address and in other statements that it will be a mistake to try to carry on a Pay-as-you-go policy, however well the title sounds, and we will find that we will make a mistake if we do not submit to the people a constitutional proposition to get authority to issue bonds to carry on the construction that has been

planned and looked forward to for years, and my proposal is and the meaning, Mr. President, of my amendment which I have offered here is that, if it is adopted as part of this bill, the proposed four cent gas tax will go to the people and then of course it will be part of the policy for the committee which still has in its bosom the resolve that was introduced to amend the constitution by an issue of \$12,000,000 of bonds to be issued \$1,500,000 a year, or whatever the exact terms are, that that resolve would be reported out and that would go to the people at the same time, at the same election, and they would make the choice.

Now, do not deny them the chance to make that choice upon such a serious matter as that.

Mr. SMITH of Somerset: Mr. President, without discussing the policy of the road program at this time or the advisability of increasing the gas tax, for it is my intention to ask a little later to have this matter tabled for a short time, but speaking for just a moment to the proposed amendment I simply wish to state that should this amendment prevail and a referendum be called in September it would completely demoralize the proposed road program. It would mean at least \$500,000 in a gas tax plus the amount that the State would obtain from Federal aid of something like \$400,000, or in other words it would deprive the department of nearly \$900,000 which would materially affect both the construction of State aid highways and the maintenance fund. I very much hope that the amendment will not be adopted.

The PRESIDENT: The question is on the adoption of the amendment. A viva voce vote being taken, the amendment was not adopted.

Mr. SPEIRS of Cumberland: Mr. President, I understood that the Senator from Somerset, Senator Smith, was going to have this tabled. Will an amendment be in order after he takes it from the table?

The PRESIDENT: The Chair will state that the amendment is in order now.

Mr. SPEIRS: Will the amendment be in order after it is tabled?

The PRESIDENT: It may be amended any time before it is engrossed. The amendment might very

well be offered now but it may be later.

Mr. SPEIRS: May I ask the Senator from Somerset, Senator Smith, what he proposes to do in tabling this?

Mr. SMITH: I am about to ask to have the matter tabled temporarily.

Mr. SPEIRS: Is it going to be engrossed before it is tabled?

The PRESIDENT: Does the Senator from Somerset, Senator Smith, care to state to the Senator from Cumberland, Senator Speirs, exactly what he is going to do with the bill? That seems to be what the Senator from Cumberland, Senator Speirs, wishes to know and the Senator from Somerset, Senator Smith, may reply or may not as he desires.

Mr. SMITH: The purpose of tabling is to get together the complete road program. There are several other matters bearing upon this that are now pending in the House and in order that we may discuss the entire program all at one time and thereby save time I had in mind tabling this measure.

The PRESIDENT: The Chair is of the opinion that if the Senator from Cumberland, Senator Speirs, has an amendment to offer, this is the time to offer it.

Thereupon, Senator Speirs of Cumberland, offered the following amendment and moved its adoption:

"Senate Amendment B to House Document 629. On page four of printed bill strike out all of section 3 and section 11 and substitute the following. So that said section as amended shall read as follows: 'Sect. 11. Any person, firm or corporation who shall buy and use any internal combustion engine fuel as defined in this act for the purpose of operating or propelling motor boats, tractors used for agricultural purposes not operating on public ways or in such vehicles as run only on rails on tracks, or in stationary engines, or in the mechanical or industrial arts, or for any other commercial use except in motor vehicles operated or intended to be operated upon any of the public highways of the state of Maine, may purchase such internal combustion engine fuel without paying the aforesaid tax thereon by signing a receipt, stating thereon the purpose for which said fuel is purchased, and if for motor boat, or

tractor, giving the name and number of the motor boat and the license number of the tractor. Said receipt so given shall be accepted by the state auditor in lieu of case payment for the amount of the aforesaid tax on said fuels purchased for the aforesaid purposes.

'Any person, firm or corporation who shall make false statements regarding the use of the internal combustion engine fuel so purchased shall be punished by a fine of not exceeding one dollar for each gallon so purchased for the first offense, and by a fine of not exceeding two dollars for each gallon so purchased for each subsequent offense; and provided, that no provision of this section shall be construed to prohibit the state auditor from certifying for payments to any officer or employee of the United States the total amount of tax levied by this chapter on internal combustion engine fuel used by him in an internal combustion engine owned by the United States, and while he is engaged on official duty. The state auditor may make such rules and regulations for the proper administration and collection of all taxes on internal combustion engine fuels as may be necessary, and not inconsistent with law. All expenses of assessment, inspection, investigation or collection of taxes on internal combustion engine fuels shall be paid from moneys derived from taxes so received.' "

Mr. SPEIRS of Cumberland: This amendment exempts from all gasoline tax, those who buy it to use in motor boats, tractors and farm and other machinery. At present they are taxed one cent on each gallon, this one cent taken by the state, what for? Can any senator tell me what for? I don't know, but it is taken. Take the case of the fishermen's motor boats. It can't be for the use of roads as the fishermen don't use them. It can't be for the use of the ocean for the state does not own it. The only reason that I can think of is that the state wants the money. That is the same reason the bandit gives when he holds up his victim and takes his money. It must be the state needs money very much or they would not take by law something that we do not get anything in return.

They pay the tax on their homes, on their boats, on everything that is taxable the same as every other dwell-



er in the State of Maine. Every time they go out to haul their traps it is at the risk of heir lives. They go out through the colds of winter and the storms that they may provide for their families the bare necessities of life.

It seems as if the great State of Maine could find some better way of raising money than by taking it from the fishermen who face the hardships and dangers of their calling in doing their daily bit for their families.

Last year the rebate was about \$30,000 on two cents rate. If we take off one cent more that would be \$15,000 more. If we can afford to discount the excise tax of thousands of dollars, can we afford to take \$15,000 of this adjust tax from the fishermen?

When the bill was heard that exempted fishermen and other non-users of roads from all gasoline tax, not one person appeared in opposition to the bill.

Besides those who did appear in favor of the exemption, there were remonstrances from over 1200 fishermen from all parts of the state who could not afford to come here and give their side of the question. After hearing the evidence, I do not believe there is a court in the world which would bring in a verdict that they should pay.

I have here an editorial clipped from the Press Herald of April 2. It is against any raise in the present three cent gas tax, and I will real excerpts from it in regard to the tax on the fishermen. "Fishermen buy hundreds of gallons of gasoline to run their motor boats. They are subjected to the same tax as are those who buy gasoline to run motor vehicles over the highways, although the fishermen do not wear out the highways, nor are the building of roads of any great help to them in carrying on their business. To be sure, there is a provision in the present law which permits fishermen and others who buy gasoline to operate motor boats to get a rebate on the tax they pay. But the process of securing this rebate is difficult. The gasoline tax adds another burden for them to carry. It is estimated that there are approximately 5,000 lobster fishermen along the Maine coast. Every cent that is added to the gasoline tax makes this burden just so much heavier. Being greatly in the minority, and having no powerful influences to be brought to bear in their behalf, the fishermen of Maine can only submit to this tax with as good grace as they can."

I move, Mr. President, that the amendment be adopted.

Mr. SMITH of Somerset: Mr. President, in order that there may be no misunderstanding, I wish to again state the facts concerning the proposed gasoline tax and how it now applies to our farmers.

At the present time there is a three cent gas tax. The farmers are called upon to pay one cent. It is proposed to increase our gas tax one cent, making the total assessment four cents, but leaving the amount of the assessment to farmers at one cent. Last year the farmers availed themselves for exemption to the amount of only \$17,000. It is estimated by the auditor that had they availed themselves of the full amount they were entitled to it would have equalled a sum of something like \$150,000, which shows conclusively that the farmers are willing to do their bit to have better roads. I do not believe that they are of that frame of mind that they are not willing to pay something to improve the highways of our State and I very much hope that the amendment will not prevail.

Mr. MAHER of Kennebec: Mr. President, I will take no time except for my own situation and upon the decision I have always taken before in this matter, and realizing that this is not the time to discuss the bill in detail as it will be in order after that, I understand, under the proposition of the guardian, Senator Smith. I will simply preface this remark to this so-called "pay as you go," and which is, I believe, an attractive slogan, it appeals to me as more of a hit or miss or catch as catch can proposition and I want to support the amendment of the senator from Cumberland, Senator Speirs. I know it will not prevail. I know it has not the slightest chance of prevailing, but for one, I desire to go upon record against this proposition of putting your hand into the pockets of the fishermen and the men running the hazards along our coast. If the farmers do not avail themselves up to the hundred thousand dollars, Senator Smith says, perhaps the explanation would be that they do not care to undergo the inconvenience and red tape necessitated in obtaining the rebate. There isn't a logical argument or an economic argument in favor of taxing gasoline to motor boat holders and fishermen and putting it into State highways, and if I am the only one here voting with Senator Speirs, I am satisfied.

Mr. SPEIRS: Mr. President, may I ask through the Chair, how the auditor knows it will be \$150,000 if they did not apply for the rebate?

The PRESIDENT: The senator may reply if he desires.

Mr. SMITH: I did not state that he knew. I made the statement that he estimated.

Mr. SPEIRS: Mr. President, there was \$129,000 paid in rebates last year. Perhaps the Senate knows just how these rebates are brought about. The fisherman buys gasoline, gets a bill, holds it less than 90 days and then he writes to the auditor. Back comes the bills with a form asking him to make oath to the statement. He then has to go and hunt up a notary public at an expense of twenty-five cents; fills out the blank and sends it back to the auditor and if the 90 days has not expired he gets the money back. Last summer on Peaks Island, I drove a man all over the island to get a notary public, but before we could do it the 60 days had expired and he lost his money.

It would cost the state just \$15,000 to rebate this other extra cent, and I hope that the Senate will see fit to adopt this amendment.

Mr. GRANVILLE of York: Mr. President, it looks to me as though we were discussing waters that ran over the dams four years ago, and I was in the legislature at that time when the first gasoline tax was passed and this cause was thoroughly debated and those of the opinion that farmers and fishermen should be exempt, expressed their views. but in the opinion of the committee and the legislature of that time there were no people more benefited by good roads than the fishermen in their deliveries, and the good roads brought markets to them. This increased the value of their property and while the fishermen were out of their motor boat they traveled on the roads. They could get more for their fish and more for their lobsters. I think something could be said about the real estate of farmers. It has doubled the property and I think it is not more than just that they should pay that tax.

Mr. SLOCUM of Cumberland: Mr. President, the honorable Senator from Androscoggin, Senator Holmes, said that I was an engineer. I admit the charge. An engineer has got to look into the technical side of highways and it has been said that it is estimated that \$150,000 is collected

from the motor boat owners and the farmers on the tractors and farm machinery. I think you will find that it would be difficult to build in the state of Maine six miles of road for that \$150,000, if the estimated collection is correct. If the collection, according to receipts is \$29,000, you see how little the highway program benefits by the collection of this nuisance tax. It is a little bit difficult for the man who is riding along the road and seeing the beautiful scenery in Maine to appreciate that he is burning up gasoline tax money, compared with the fisherman who is out there on the water, not passing the scenery, but watching his motor and listening to his motor chugging away, "There goes another cent—there goes another cent." It is pretty difficult for the farmer who has a small stationary engine running to fill his silo, to be thinking that he has to pay a gasoline tax for the highways. As a matter of fact, today, every fisherman is paying a tax for the benefit of the highways, a mill tax on his boat, on his gasoline engine, and the farmer on his equipment in his barn, to run his farm machinery. They are paying a tax now, and you are adding another tax. The honorable Senator from York, Senator Granville, says that this was all thrashed out four years ago. I felt four years ago they made an error. I am in hopes that this Senate will correct the error. I am very much in favor of this amendment and hope that it will prevail.

Mr. MAHER: Mr. President, one more word and that is all. It is true the principle seemed to have been established at a previous session and the present application to this situation is this: The Senate does not seem to be intrigued with the proposition of voluntary referendum, having quite decidedly passed upon the Senator from Somerset. There is still, of course, within the reach of the people of the state, if there should be any marked dissatisfaction, such a thing as an involuntary referendum. I can tell any man in Maine here, with the attitude of the papers as it is, with the agitation as it is against this one cent increase, that may be the straw that will break the camel's back. It may in that time between now and the lapsing of the period for the filing of the petition for a referendum, stir up 10,000 voters to so petition. But the practical application at this junction of the amendment, very wisely offered by the Senator from Cumberland, Senator

Speirs, is this, to you who are so interested in the wisdom of our highway program, you will miss the fishermen and those who are most directly effected if this matter should ever go to a vote upon the proposition of a gas tax at all.

The PRESIDENT: The question is on the motion of the Senator from Cumberland, Senator Speirs, that Senate Amendment A be adopted. Those in favor of adoption will say "aye" and those opposed will say "no."

A viva voce vote being doubted

A division of the Senate was had,

Eight having voted in the affirmative and eighteen in the negative, the motion to adopt Senate Amendment A failed of passage.

Mr. SPEIRS: Mr. President, may I have a roll call on that? I noticed that some senators did not vote.

The PRESIDENT: The Chair will state that the vote is declared and if the Senator had asked for a roll call during the vote or before it was declared, he would have been in order. He may, however, take this position if he wishes to have a roll call. He may ask for reconsideration which requires only a majority vote.

Mr. SPEIRS: Mr. President, I move we reconsider our vote.

The PRESIDENT: As many as favor reconsideration will rise and stand in their places until counted, and then those opposed will rise.

A sufficient number not having arisen in favor of reconsideration the motion to reconsider failed of passage.

Thereupon, on motion by Mr. Smith Somerset, the act was tabled pending passage to be engrossed.

#### House Bills in First Reading

"Resolve in favor of the towns of Gardiner and Randolph" (H. P. 1334).

(The rules suspended, the resolve also given its second reading and passed to be engrossed).

The following resolve was received and on recommendation by the committee on reference of bill was referred to the following committee:

#### Appropriations and Financial Affairs

By Mr. Woods of Penobscot, Resolve in favor of Fred C. Barnes. (S. P. 672).

#### Bills in First Reading

An Act relating to the trial and law terms of the Supreme Judicial Court and to amend Section 98 of Chapter 82 of the Revised Statutes relating to

the exchange of Justices of the Superior Court. (S. P. 392)

(Under suspensions of the rules the bill was also given its second reading and was passed to be engrossed.)

#### Reports of Committees

Mr. Foster, from the Committee on Appropriations and Financial affairs, on the following resolves:

"Resolve in favor of Augusta General Hospital, for the care, support and medical or surgical treatment of certain persons." (H. P. 161)

"Resolve, providing for sanatorium treatment by the Bangor Anti-Tuberculosis Association in Bangor for persons who are in need of the same and are unable to pay for it." (H. P. 251)

"Resolve in favor of the Bar Harbor Medical and Surgical Hospital." (H. P. 324)

"Resolve for three thousand dollars in aid of the Bath City Hospital." (S. P. 84)

"Resolve in favor of the Calais Hospital at Calais." (S. P. 98)

"Resolve in favor of Central Maine General Hospital, Lewiston, Maine." (S. P. 97)

"Resolve in favor of the Charles A. Dean Hospital at Greenville." (S. P. 138)

"Resolve in favor of the Children's Aid Society of Maine." (S. P. 7)

"Resolve in favor of the Children's Heart Work Society of Maine at Portland." (H. P. 947)

"Resolve in favor of the Children's Hospital." (H. P. 249)

"Resolve in favor of the Eastern Maine General Hospital at Bangor." (S. P. 103)

"Resolve in favor of Eastern Maine Orphan Home." (H. P. 212)

"Resolve in favor of the Gardiner General Hospital at Gardiner." (H. P. 501)

"Resolve in favor of Girls' Orphanage, Lewiston, Maine." (H. P. 214)

"Resolve appropriating money for the Good Samaritan Home Association of Bangor, Maine." (H. P. 445)

"Resolve in favor of Healy Asylum at Lewiston, Maine." (S. P. 215)

"Resolve in favor of the Home for Aged Women in Belfast." (H. P. 446)

"Resolve in favor of the Home for Aged Women at Rockland." (H. P. 575)

"Resolve in favor of Knox County General Hospital, Rockland." (S. P. 123)

"Resolve appropriating money to

aid the Madigan Memorial Hospital at Houlton." (H. P. 70)

"Resolve in favor of Maine Eye and Ear Infirmary." (H. P. 831)

"Resolve in favor of Maine General Hospital for medical or surgical treatment of certain persons." (S. P. 235)

"Resolve in favor of the Maine Institution for the Blind at Portland." (H. P. 500)

"Resolve in favor of the Maine Mission for the Deaf at Bangor." (S. P. 187)

"Resolve in favor of the Northern Maine General Hospital at Eagle Lake, in the County of Aroostook." (H. P. 326)

"Resolve in favor of Northern Maine General Hospital at Eagle Lake, in the County of Aroostook." (H. P. 325)

"Resolve in favor of Presque Isle General Hospital at Presque Isle." (H. P. 444)

"Resolve in favor of Rumford Community Hospital." (H. P. 832)

"Resolve in favor of St. Elizabeth's Roman Catholic Orphan Asylum and Holy Innocents' Home, Portland." (S. P. 104)

"Resolve in favor of St. Mary's General Hospital, Lewiston, Maine." (H. P. 213)

"Resolve in favor of the Temporary Home for Women and Children." (H. P. 248)

"Resolve in favor of the Trull Hospital Aid Association of Biddeford." (H. P. 9)

"Resolve in favor of the Waldo County General Hospital for maintenance." (S. P. 20)

"Resolve in favor of the Waldo County General Hospital." (S. P. 329)

"Resolve in favor of the Webber Hospital Association of Biddeford." (H. P. 328)

"Resolve in favor of the York County Children's Aid Society of Saco." (S. P. 62)

"Resolve in favor of York Hospital." (H. P. 327)

"Resolve in favor of the Sisters Hospital at Waterville." (S. P. 211)

"Resolve appropriating money for Franklin Hospital Association Inc., in the town of Farmington." (H. P. 252)

"Resolve in favor of the Winthrop Community Hospital at Winthrop." (S. P. 139)

"Resolve in favor of Penobscot

General Hospital of Old Town, Maine." (S. P. 21)

"Resolve in favor of the Maine Children's Home Society." (H. P. 1235)

Reported the same in a new draft, under the title of "Resolve in favor of Charitable and Benevolent Institutions, for the Care, Support and Medical or Surgical Treatment of Certain Persons" (S. P. 673) and that it ought to pass.

Mr. SMITH, from the Committee on Ways and Bridges, on bill An Act providing state aid to towns in ploughing out snow from the roads in winter (S. D. 21) reported the same in a new draft, under the title of An Act relating to the removal of snow from highways and town ways (S. P. 671) and that it ought to pass.

The reports were read and accepted and under suspension of the rules the bill and resolves were given their two several readings and passed to be engrossed.

#### Passed to be Enacted

Resolve, Authorizing James H. Kerr of Rumford in the County of Oxford to Bring a Suit at Law Against the State of Maine (H. D. 438).

Resolve, in Favor of the Maine State Prison for Maintenance and Current Expenses (H. D. 594).

An Act Relating to Apothecaries and the Sale of Poisons (S. D. 361).

An Act to Make Certain the Legal Boundaries of the Town of Old Orchard and Set Off to the Town of Old Orchard from the City of Saco Any Right, Title or Interest Which the City of Saco May Have Within Said Boundaries (H. D. 230).

On motion by Mr. Dwinal of Knox, under suspension of the rules, the Senate reconsidered its action whereby this bill was passed to be engrossed.

Mr. DWINAL of Knox: Mr. President, I now offer Senate Amendment A and move its adoption.

The PRESIDENT: The Secretary will read Senate Amendment A.

The Secretary read the following amendment:

Senate Amendment A to An Act to make certain the legal boundaries of the town of Old Orchard and set off to the town of Old Orchard from the city of Saco any right, title or inter-

est which the city of Saco may have within said boundaries, (H. D. 230). Amend by adding at the end thereof the following: "Provided the town of Old Orchard pay to the city of Saco as damage such an amount as a committee composed of the Chairman of the Board of Assessors of said Saco and said Old Orchard and one other disinterested person by them elected may determine is just and equitable."

Mr. DWINAL: Mr. President, speaking to the motion to adopt the amendment, I will briefly explain what the situation is. A great many years ago when Old Orchard was set off from Saco they attempted to describe the boundaries of the town and one boundary was described as "low water mark," the bathing beach not then being considered of any especial value. Of course now it is valuable and jurisdiction over bathing and policing of the bathing beach becomes a matter of importance. Also a pier has been constructed, an amusement pier which extends out beyond the low water mark and a pavilion has been built on the end, where policing is necessary and some confusion has resulted over policing on the end of the pier from the fact that it is not in the town of Old Orchard and Saco has never attempted to police it. The result is the legal officers in Old Orchard have no jurisdiction. To express it as they did before the committee, the only way they can arrest parties on the pier is to wait until the parties come in, or, as they said, push them off and go out and pick them up when they float ashore, which of course is not a convenient arrangement. There are some islands in front of the city which are also a matter of discussion. No discussion, however, has arisen until the last two or three years.

Now this proposal is to set off those rights which belong to Saco and any land that is located on the waterfront there and of course that includes the pier, to Old Orchard from Saco. Our statute provides that when a matter of that kind is contemplated, when a petition is introduced into the legislature for that purpose, 14 days' notice shall be given to the town interested before the legislature convenes. That was not done in this case and the committee on Legal Affairs, for that reason, thought that they should recom-

mend the matter to be continued to the next legislature, which was the disposal provided for by the statute, but no citizens of Saco seemed to be especially interested at that time and the thing went along until the bill was recommitted to the Committee on Legal Affairs; there being no opposition apparently and our objections being technical, we met those and did not ask for any minority report. Now it appears Saco is interested and so this amendment is offered as a means of the two towns coming together and settling the matter between themselves and I think the matter is satisfactory to both parties.

Mr. SLOCUM of Cumberland: Mr. President, I should like to ask the parliamentary status of the bill. Has it passed the House?

The PRESIDENT: The Chair will state it has passed the House and has been signed by the Speaker, the pending question being final passage until the Senator from Knox, Senator Dwinal, moved that we reconsider the vote whereby it was passed to be engrossed, the pending question becoming adoption of Senate Amendment A, which is now being discussed.

Mr. SLOCUM: Mr. President, may I ask through the Chair, a question of Senator Dwinal?

The PRESIDENT: The Senator may.

Mr. SLOCUM: Is this the amendment that was defeated in the House?

Mr. DWINAL: I do not know what amendment might have been offered in the House.

Thereupon the motion to adopt Senate Amendment A prevailed, and on further motion by the same Senator, the bill as amended was passed to be engrossed.

At this point the President announced that he had appointed as Senate members of the Committee for the investigation of all evidence and phases of the operation during the last eleven years, of the Workmen's Compensation Law of this State, under the Joint Order passed in the Senate on March 18th.

Messrs. SMITH of Somerset  
MAHER of Kennebec

#### Orders of the Day

The President laid before the Sen-

ate, Senate Report from the Committee on Judiciary, majority report, "ought not to pass," minority report "ought to pass," on An Act to provide for a full time State Highway Commission, (S. D. 282), tabled on April 14th by Mr. Maher of Kennebec, pending acceptance of majority report, and today assigned, and recognized that Senator.

Mr. MAHER of Kennebec: Mr. President, I would ask the Senate for indulgence to the end that you may have full time for discussion, which would let me retable this matter, and I may not have to inflict extended remarks upon you later during this same legislative day, but if I have to start in—I am prepared to do whatever the Chair says.

The PRESIDENT: The motion to retable is in order.

Mr. MAHER: I am perfectly willing to discuss this matter but if I start in I won't be through until four o'clock.

The PRESIDENT: The motion to retable is in order.

Thereupon, on motion by that Senator the bill was retabled and this afternoon assigned.

The President laid before the Senate An Act to provide for the safety of life and property and to create a Board of Boiler Rules, etc., (S. D. 343), tabled on April 14th by Mr. Morrison of Franklin pending consideration, and today assigned, and recognized that Senator.

Mr. MORRISON of Franklin: Mr. President, I yield to the Senator from Somerset, Senator Smith.

Mr. SMITH of Somerset: Mr. President, I am obliged to yield to the Senator from Cumberland, Senator Slocum.

Thereupon, on motion by Mr. Slocum of Cumberland, the Senate voted to adhere.

The President laid before the Senate, An Act to render unlawful all disturbances to the reception of radio waves used for radiotelephony, (S. D. 363), tabled on April 14th by Mr. Miner of Washington, pending consideration and today assigned, and recognized that Senator.

Mr. MINER of Washington: Mr. President, I move that we retable this until later on in this legislative day as the necessary information has not yet arrived.

The motion to retable and assign prevailed.

The PRESIDENT: Is it the pleasure of the Senate that unanimous consent be given to the Chair to present the things on the calendar which are unassigned?

Unanimous consent being given, the President laid before the Senate, House Report from the Committee on Ways and Bridges, "Ought not to pass," on An Act to amend the distribution of tax on gasoline, (H. D. 24), tabled on April 14th by Mr. Oakes of Cumberland, and on motion by that Senator, the bill and report was retabled pending acceptance of the report.

The President laid before the Senate, Joint Order relative to the Maine Development Commission, tabled on April 14th by Mr. Spear of Cumberland, pending passage, and the President recognized that Senator.

Mr. SPEAR of Cumberland: Mr. President, I yield to the Senator from York, Senator Lord.

Mr. LORD of York: Mr. President, I should like to have this matter retabled in order that I may offer an amendment, or I can offer the amendment now if the Chair sees fit.

The PRESIDENT: Has the Senator the amendment ready?

Mr. LORD: Yes, sir.

The PRESIDENT: This is a very good time to offer it.

Thereupon, Mr. Lord of York introduced the following amendment and moved its adoption.

"Amend by striking out the words 'instructed to collect' and insert in place thereof, the following words, 'recommended to consider.'"

The motion to adopt Senate Amendment A prevailed, and on further motion by the same Senator the order as amended was passed to be engrossed.

The President laid before the Senate, Resolve in favor of Willis Myrick, (H. D. 829), tabled on April 14th by Mr. Woods of Penobscot, pending consideration.

Mr. WOODS of Penobscot: Mr. President and members of the Senate, this was a measure tabled by Senator Smith from Somerset, but at the time it was called, he was not

in the room and I tabled it and will yield to him.

Mr. SMITH of Somerset: Mr. President, what is the status of the claim? I wish to move its indefinite postponement.

The PRESIDENT: The Chair will state the document is entirely covered with endorsements and can not be unraveled at present. The Chair will now state that the House has accepted the "ought to pass" report and the Senate has never taken any definite action, it having been on the table since the fourth of March.

Mr. WOODS: Mr. President and members of the Senate, I appreciate the viewpoint of the Senator from Somerset, Senator Smith, and I know we are all grateful for the interest he takes. This is but a small claim of \$50.00. I feel that the citizens of Maine have interests. This is a small claim for damage done crops in a small town in the northern part of Penobscot of a man who has the courage and strength to stay there and get his living for a large family from the stubborn soil, and to be brief I will only say that the claim is for three acres of oats that were destroyed by deer and I feel that inasmuch as the State of Maine has seen fit to reimburse for orchards which are in the nature of crops that have been destroyed by deer, that only in justice to this man, we should allow him consideration. I hope that the Senator's motion does not prevail.

Mr. SMITH: Mr. President, I always admired the good qualities of the Senator from Penobscot, Senator Woods, especially those traits whereby he is always looking after the unfortunate fellow. I wish to state, however, that there were presented to the Committee on Claims a good many such matters and that after getting an opinion from the Attorney General's department that the State was not responsible, the committee reported all of these "ought not to pass." These reports have been accepted and now we do not feel that it is fair to make this one exception. Though the amount involved is small, it involves a principle, and I trust that the motion will prevail.

The motion to indefinitely postpone, prevailed.

The President laid before the Sen-

ate, House Report from the Committee on Judiciary, majority report, "ought to pass," minority report, "ought not to pass," on An Act relating to advertising signs along public ways, (S. D. 11), tabled on April 14th by Mr. Lord of York, pending consideration.

Mr. LORD of York: May I ask the status of this bill, Mr. President? I should like to have it indefinitely postponed.

The PRESIDENT: The motion is in order.

The motion to indefinitely postpone prevailed.

The President laid before the Senate, Resolve in favor of the Reformatory for Women, for maintenance and other purposes, (S. D. 279), tabled on April 14th by Mr. Smith of Somerset pending final passage, and on motion by that Senator the resolve was finally passed.

The President laid before the Senate, House Report from the Committee on Ways and Bridges and Taxation, jointly, majority report, "ought to pass," minority report, "ought not to pass," on An Act relating to a mill tax state highway fund, (H. D. 626), tabled on April 14th by Mr. Case of Washington, pending consideration.

Mr. CASE of Washington: Mr. President, as this matter concerns several matters already tabled for today, I move this be tabled until later in the legislative day.

The motion to retable and assign prevailed.

The President laid before the Senate, An Act in relation to the tax on internal combustion engine fuels, (S. D. 319), tabled on April 14th by Mr. Speirs of Cumberland, pending passage to be engrossed.

Mr. SPEIRS of Cumberland: Mr. President, as this document is part of the document that has just been adopted, I will yield to the Senator from Somerset, Senator Smith.

Thereupon, on motion by Mr. Smith of Somerset, the bill was retabled and this afternoon assigned.

#### Passed to be Enacted

(Out of order and under suspension of the rules).

An Act Relating to Pecuniary In-

terest in Public Officers in Public Contracts (S. D. 192).

An Act Relating to Trial Terms of the Supreme Judicial Court in the County of Hancock (H. D. 220).

(On motion by Mr. Oakes of Cumberland, tabled pending enactment).

An Act Relating to the Capacity of Milk Bottles and Jars (S. D. 368).

An Act Establishing Fares on Passenger Boats Plying between the Westerly End of Peaks Island and the Mainland in Portland (H. D. 233).

Mr. OAKES of Cumberland: Mr. President, I wish to inquire if the Act regarding fares on passenger boats of Peaks Island was amended? If it would be more convenient, I move it be laid on the table and then I can look up the information.

The motion to table prevailed.

An Act Relating to the Registration of Trucks (H. D. 384).

An Act Relating to Marketmen's Licenses (S. D. 385).

(On motion by Mr. Crafts of Piscataquis, tabled pending enactment).

An Act Concerning Financial Responsibility for Damages Caused by the Operation of Motor Vehicles (H. D. 577).

(On motion by Mr. Woods of Penobscot, tabled pending enactment and this afternoon assigned).

#### Finally Passed

(Out of order and under suspension of the rules).

Resolve, in Favor of Old Town-Milford Bridge, City of Old Town and Town of Milford, Penobscot County (H. P. 1330).

Resolve, in Favor of Masardis Bridge in the Town of Masardis, Aroostook County (H. D. 1313).

Resolve, in Favor of the Town of Medway (H. P. 1333).

On motion by Mr. Oakes of Cumberland, the Senate voted to take from the table, An Act establishing fares on passenger boats plying between the westerly end of Peaks Island and the Mainland in Portland, (H. D. 233), tabled by Mr. Oakes of Cumberland, earlier in today's session, pending enactment, and on further motion by the same Senator, the bill was passed to be enacted.

The PRESIDENT: Under the motion made by Senator Granville of York to insist and ask for a committee of conference on the bill pro-

viding for the appointment of a deputy secretary of state to be designated a Registrar of Motor Vehicles, (H. D. 374), the Chair appoints as such members, the Senator from York, Senator Granville; the Senator from Aroostook, the Senator from Lincoln, Senator Bond.

Mr. SMITH of Somerset: Mr. President, out of order, I would like to introduce a resolve.

The PRESIDENT: The Senator from Somerset, Senator Smith, presents under suspension of the rules, Resolve to provide for the payment of certain resolves where special provision for payment has not been made.

Mr. FOSTER of Kennebec: Mr. President, may I inquire of the Senator from Somerset if that is the one relating to the bridges?

Mr. SMITH: It is.

Thereupon, under suspension of the rules, the resolve was given its two several readings without reference to a committee, and passed to be engrossed.

On motion by Senator Mitchell of Aroostook, the Senate voted to take from the table, An Act relating to the support of insane patients, (H. D. 620), tabled by that Senator earlier in today's session, pending consideration.

Mr. MITCHELL of Aroostook, Mr. President, I now yield to Senator Oakes.

Mr. OAKES of Cumberland: Mr. President, may I ask the House action?

The PRESIDENT: In the House on April 12th it was taken from the table, indefinitely postponed, and reconsidered the indefinite postponement. After that, on April 14th the report was accepted in the Senate, read twice under suspension of the rules and passed to be engrossed in non-concurrence. Thereupon, on April 14th the House voted to adhere. In the Senate on April 15th, tabled by Mr. Mitchell of Aroostook pending consideration.

On motion by Mr. Oakes of Cumberland, the Senate voted to recede and concur with the House.

On motion by Mr. Granville of York, recessed until one-thirty this afternoon.



**After Recess**

Senate called to order by the President.

Additional papers from the House, out of order and under suspension of the rules, disposed of in concurrence.

From the House: Resolve in favor of Prison Commission (H. D. 615).

(In Senate, April 15, voted to adhere to former action whereby resolve was indefinitely postponed).

(In the House, that branch further insisting on its former action whereby the bill was passed to be engrossed).

In the Senate: On motion by Mr. Morrison of Franklin, the Senate voted to adhere to its former action.

From the House: the following resolution: **RESOLVED**, that the funds in the sinking fund reserve, so-called, are not and should not be available for any purpose other than is expressed in the law which created such sinking fund reserve.

In the House read and adopted.

In the Senate, on motion by Mr. Foster of Kennebec, tabled pending consideration.

**Passed to be Enacted**

(Out of order and under suspension of the rules).

An Act Validating Acts and Deeds Valid Except for Certain Irregularities and Omissions (S. D. 384).

An Act to Provide for the Completion of the Vital Records of the State (H. D. 568).

**Finally Passed**

(Out of order and under suspension of the rules).

Resolve, Providing for the Construction of an International Bridge over St. John River between the Town of Fort Kent, Aroostook County, and the Parish of St. Francis, Madawaska County, New Brunswick (S. D. 358).

Resolve, to Pay Certain Deficiencies (S. D. 360).

Resolve, in Favor of the Trustees of the Bridge Between East Machias and Machiasport (H. P. 767).

**Report of Committee**

(Out of order and under suspension of the rules).

The Committee of Conference, on the disagreeing action of the two

branches of the Legislature on bill An Act to Establish a Uniform License Law for Summer Camps (S. D. 87) reported that the House recede and concur with the Senate in passing the bill to be engrossed as amended by Senate Amendment "A."

The report was read and accepted.

**Orders of the Day**

The President laid before the Senate, An Act relating to a tax on gasoline (H. D. 629) tabled by the Senator from Somerset, Senator Smith, earlier in today's session pending passage to be engrossed; and the President recognized that senator.

Mr. SMITH of Somerset: Mr. President, while I am perfectly willing at this time to argue this matter, in as much as there are other matters in the House which we expect in here most any time that have to do with this matter, in order to save time I move that this be retabled.

The motion to retable, pending passage to be engrossed, prevailed.

Mr. WOODS of Penobscot: Mr. President, I rise to inquire if House Document 577 is the one tabled by me today.

The PRESIDENT: The Chair will state that it is.

Thereupon, on motion by Mr. Woods of Penobscot House Document 577 was passed to be enacted.

Thereupon, the President declared a recess until three-thirty o'clock this afternoon.

**After Recess**

Senate called to order by the President.

**Report of Committee**

(Out of order and under suspension of the rules).

Mr. Mitchell, from the Committee on Appropriations and Financial Affairs, on "Resolve in favor of the Chaplains of the Senate of the Eighty-third Legislature" (S. P. 667) reported that the same ought to pass.

The report was read and accepted, the rules were suspended, the resolve given its two several readings and passed to be engrossed.

### Additional House Papers, Out of Order

From the House: An Act to amend the Workmen's Compensation Act (S. D. 383).

(In Senate, April 14, passed to be engrossed).

In the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Oakes of Cumberland the rules were suspended and the Senate reconsidered its former action whereby this bill was passed to be engrossed; and on further motion by the same senator House Amendment A was adopted in concurrence and the bill as so amended was passed to be engrossed.

### Passed to be Enacted

(Out of order and under suspension of the rules).

"An Act Relating to Forest Land Exempted from Taxation." (S. P. 393) (S. D. 171).

### Finally Passed

(Out of order and under suspension of the rules).

Resolve, to Aid the Town of Hope in the Construction of a Bridge (S. D. 387).

Resolve in Favor of the Town of Skowhegan (S. D. 388).

Resolve in Favor of the Town of Stars for a Bridge (S. D. 389).

Resolve in Favor of Forest City International Bridge Over St. Croix River Between the Township of Forest City, Washington County, Maine, and the Parish of North Lake, York County, New Brunswick (H. D. 580).

Resolve in Favor of Lower Village Bridge in the Town of Phillips, Franklin County (S. D. 390).

Resolve in Favor of Stanley Bridge in the Town of Hampden, Penobscot County (S. P. 203).

The PRESIDENT: The Chair by unanimous consent presents at this time a resolution relating to the sinking fund reserve tabled by the Senator from Kennebec, Senator Foster, and the Chair will make this explanation, that the resolution was a House resolution and was in this body by error.

Thereupon, on motion by the Senator from Kennebec, Senator Foster,

the resolution was returned to the House.

The President then declared a recess until four-thirty o'clock this afternoon.

### After Recess

Senate called to order by the President.

Mr. SMITH of Somerset: Mr. President, I would like to introduce a resolve at this time and move its adoption and I will say that the resolve is a part of the program as set up by the committee on Ways and Bridges.

The PRESIDENT: The Senator from Somerset, Senator Smith, moves that the rules be suspended and he be allowed to introduce a resolve. Is this the pleasure of the Senate?

Thereupon, under suspension of the rules, Senator Smith of Somerset was allowed to introduce the following resolve:

"Resolve to appropriate money for the maintenance of the State Highway Police."

Thereupon, under suspension of the rules the resolve was given its two several readings and passed to be engrossed.

Additional papers from the House, out of order and under suspension of the rules, disposed of in concurrence.

From the House: An Act to provide for the retirement of highway and bridge bonds (H. D. 644).

In the House indefinitely postponed.

In the Senate, on motion by Mr. Smith of Somerset, tabled pending consideration.

The following resolve was received, out of order and under suspension of the rules, and on recommendation by the committee on reference of bills was referred to the following committee:

### Appropriations and Financial Affairs

By Mr. Mitchell of Aroostook, Resolve in favor of E. H. Simons (S. P. 675).

The Committee of Conference on the disagreeing action of the two branches of the legislature on bill An "Act providing for the appointment

of a Deputy Secretary of State to be designated a Registrar of Motor Vehicles and to place the administration of the several motor vehicle provisions of law under his jurisdiction and administration" (H. P. 1331) reported that the Senate recede and concur with the House in the passage of the bill.

The report of the committee was accepted; and under suspension of the rules the bill was given its two several readings and was passed to be engrossed.

#### Orders of the Day

On motion by Mr. Smith of Somerset, the Senate voted to take from the table, An Act to provide for the retirement of highway and bridge bonds (H. D. 644) tabled earlier in today's session by that senator pending indefinite postponement in concurrence; and on further motion by the same senator the bill was indefinitely postponed.

The President laid before the Senate, Senate report from the Committee on Judiciary, the majority report "ought not to pass," minority report "ought to pass," on An Act to provide for full time state highway commission, tabled earlier in today's session by Mr. Maher of Kennebec pending acceptance of the majority report; and the Chair recognized that senator.

Mr. MAHER of Kennebec: Mr. President and members of the Senate, it is with extreme reluctance that any man at this late hour in this session arises to take any considerable amount of your time. The only possible excuse for so doing would be the magnitude of the issues involved and the far reaching consequences contingent upon the action taken by this legislative branch as a government. To me the implications of this particular measure are wider than any local issue of politics and deeper than any accidental circumstance of personalities. It is one of those things which to my mind occur here and now in the legislative history of tribunals such as ours which go to the very basis of good government. The exact question before us is the adoption of the minority report "ought to pass" upon the so-termed Granville bill providing for a full time highway commission. That bill was heard in the very late days of the session before

the committee of which I am a member and it was reported out with two reports, a majority and a minority. Some of those signing the majority report—it is not breach of confidence to say—I believe would have signed the minority report had the bill been reframed and put forth in new draft. There was not time for that and it didn't seem necessary because if the measure received any particular consideration when it got before the Legislature there would be ample opportunity to make those minor adjustments in regard to the technique and construction which would make it a reliable and feasible and desirable instrumentality of government if the principles appealed to the Senate and to the House.

Now the issue is brought to us very clearly and I will not discuss it aside from the bill itself except as the argument is relevant and necessarily correlated to the subject under discussion. The same was brought very forcibly to our attention by virtue of the report of our joint investigating committee which has recently sat and taken voluminous testimony with reference to the Highway Department. Upon page six of their report—which is House Document 642—in the middle of the page it says, "In as much as it seems to be the state's policy that full time service is desirable in other departments the committee is of the opinion that the legislature would be willing to consider the feasibility of a full term highway commission."

I want at this juncture to pay a compliment—and not mere lip service because I mean it—to the work of that committee. Their report, couched in admirable language, would not satisfy anyone who was avid of sensation or anyone who was desirous of explosions. Their report, however, is a dignified and judicial statement within the compass of the instructions and the mandate they had from this legislature and simply discussing for a moment, as bearing on this measure which is here, a few of the arguments which appeal to me as being of vital import in the change of the system, it is not amiss to refer to some of the things which the legislature must have constructive if not actual notice of. In other words, we are, as I see it, put upon inquiry, because a subdivision, a committee representing this Senate and the House, took

expensive testimony and as a result of that investigation makes—among the few, concrete, definite recommendations—that something shall be considered with reference to a full time highway commission. And perhaps motivating that conclusion in their minds was some of the testimony before that committee itself. It is so recent that it needs but just restatement to carry to you, weighing it—you who were sworn here upon the opening day of this session to discharge your duty under the Constitution of the state of Maine—it carries to you just that conviction which happens to be persuasive to the individual mind. To me, much of that testimony leads inescapably to one conclusion and it is this: not saying that there is any venality, not saying that there is any malfeasance, but certainly, putting the most charitable interpretation upon plain English and admissions, saying that as the result of this hap-hazard system, we will say, of part time commissions, part time servants or directors in the expenditure of \$18,000,000 for the next two years—\$9,000,000 a year—but the most charitable interpretation of that upon the testimony and the larger conclusions is absolutely that there was certain misfeasance and there were certain omissions.

My friends, it is more than an adage and more than an axiom, and the truth of it should never be lost to sight, that you cannot serve two masters because even you will be faithful to one and betray the other or you will produce the chaos that we are experiencing here today. The statutes of the state of Maine are illuminated and should be controlling and I want to call to the attention of this Senate Section 11 of Chapter 122 of the Revised Statutes of Maine: "No trustee, a superintendent, treasurer or other person holding a place of trust in any state office or public institution of the state, shall be pecuniarily interested directly or indirectly in any contracts made in behalf of the state or of the institution in which he holds such place of trust, and any contract made in violation hereof is void; and if such officer or person receives any drawbacks, presents, gratuities or secret discounts to his own use on account of such contracts, or from the profits in any materials, supplies or labor, furnished or done for the state or such institution, he shall be punished by imprisonment for not more than

a year, or by fine not exceeding five hundred dollars."

Now, that is the law of Maine and that section of the statutes is separable into two divisions: the first, declaratory of policy and regulatory of procedure and determinative of contract in violation thereof; the second, following the semicolon, a penal statute. I think I am not aside from the mark when I say that the courts, if we may follow out what is the established method of construction of statutes of that type, upon the second branch would be extremely strict in their interpretation, extremely strict in regard to the proof required for violation and conviction thereunder. Anything else would not be right with reference to the statute. In other words, you would require a condition, following the semi-colon, of facts indicative of violation of the statute proven beyond a reasonable doubt because not otherwise will they charge a man, under our constitution, with crime. But the first section, which is just as important, because it has to do with the great business interests of this state, with the interests of the tax payers, with the money which you are taking from the toilers and from the property owners and from the business interests of this state, it is exactly as of much interest that that shall be spent wisely, frugally, honestly and in accordance with the law, as it is that you should keep some nondescript individual out of jail.

Now then, have we any light? Is there anything that focuses and aids us in the interpretation of the first clause of that statute? Yes, indeed. I will not weary the Senate any longer than I believe absolutely necessary in view of the point at issue. In 1912—and I say it without any invidious intent, without any desire to raise any issue of politics—in 1912 when a distinguished senator of Augusta, a man whom we respect and admire although we may differ from him politically, the Honorable Frederick W. Plaisted, was Governor of the state of Maine. There was also as Secretary of State another distinguished citizen of Kennebec County, Cyrus W. Davis, a man against whose honor and integrity never was word raised. But a grave question arose in that administration as to whether or not a contract for state printing with the Waterville Sentinel, a Democratic paper, was valid or not under this

section of the statute for the remote reason that Cyrus W. Davis, secretary of the state of Maine, merely Secretary of State—not making the contract but merely one of the state officers who had to do with recording the decisions and the contracts—happened to be a stockholder and the treasurer of the Waterville Sentinel Company. That question went to the Supreme Court of the state of Maine and the names which I will read now should be sufficient warrant for the integrity and accuracy of the opinion. At the head we find the name of the late beloved William Penn Whitehouse, then Chief Justice of Maine. Following, is the late Albert R. Savage, afterwards Chief Justice and one of the greatest Chief Justices of Maine. And then Albert M. Spear, our present active-retired justice. And then Leslie C. Cornish, another great Chief Justice of Maine, and then Arno W. King, than whom Hancock County has produced no greater man. And then that distinguished Democratic jurist, George E. Bird, and that other able man from York County, George F. Haley. And finally that other beloved man who has gone to his reward, Justice George M. Hanson of Washington County. A judicial array that attracts interest to that opinion. The court says in Maine Reports 108 on Page 548 near the bottom of the page: "When the language of a statute is capable of only one meaning the legislature must be presumed to have intended what it has plainly expressed and there is consequently no room for construction. It is not allowable to interpret what has no need of interpretation. (Davis v. Randail, 97 Maine, 36.) It has accordingly been distinctly stated from early time down to the present day, that 'Judges are not to mould the language of statutes in order to meet an alleged convenience or an alleged equity . . . and are not to alter plain words though the legislature may not have contemplated the consequences of using them.' (Endlich on Interpretation of Statutes, section 4.)"

This statute was brought in question in the case of O'Neil vs. Flanagan and City of Portland, trustee, and Johnson, claimant, 98 Maine, 426. And see how remote this was. The plaintiff had a contract to perform work for the city of Portland. The plaintiff Johnson was surety on the plaintiff's bond to a surety company to protect it from loss as sure-

ty on the performance of his contract. In other words one of those men in the city of Portland entered into a contract with Portland to do certain work for which he had to give a surety bond and the surety company required an indemnity bond to protect them, and on that indemnity bond to the surety company there happened to be a man who was a member of the city government of the city of Portland. As remote as that! The court held that the plaintiff's contract was tainted and rendered void by Johnson's illegal connection with it. And in the opinion of Mr. Justice Strout, the court said: "It is clearly within the inhibition of the recited statute. The provision is a wise one and tends to honest dealing and exclusion of motive for improper practises harmful to the community. It should be applied without evasion to all contracts falling within its provisions." And so applying it the Flanagan contract was absolutely void.

And applying that doctrine in the Cyrus W. Davis case it was held that because the Secretary of the State of Maine happened to be a stockholder in the Waterville Sentinel Company, they lost the state printing, the contract was void. No need to go further to see what is meant by that section of the statute.

Now what do we find as bearing upon the need of a change of system and the expenditure of \$18,000,000 of your constituents' money? We find that one member of this commission, beginning with oil and running the gamut through calcium chloride, Mack trucks, stone crushers, over-measurements and apparently silent partnership with one Manzie Rogers, it would seem it was almost as near to being within the opinion of the justices as Cyrus W. Davis, Secretary of State and a stockholder in the Waterville Sentinel Company, because that particular commission with reference to the oil situation—and we will not on this digress to anything in the line of Congressional example—we do not need to talk about the Doheneys or the Sinclairs or Tea Pot Dome—we have got oil smirched here into this legislature and it is a question whether or not this legislature cares to pay attention.

What was the oil testimony? It is right here, gentlemen, and I am not going to read it. Later I am going to ask to have the entire testi-

mony incorporated and made a part of my remarks. Right in here is the testimony, under oath, of a gentleman who came down here and who was the representative of the Vacuum Oil Company and who had furnished the state of Maine with oil prior to the ascendancy of the particular commissioner who seems to be in charge of that smooth-working machine that is spending \$18,000,000 every two years. He didn't get his oil contract. I take it that most people know that Vacuum oil—and you will at least take judicial notice here—is a fairly well known oil. Now, there may not be even the remotest connection in the world with the fact that a local concern in Augusta sold to the state of Maine in place of Vacuum oil, Galena oil. But please note the striking coincidence that this particular commissioner is a state agent—I won't say that, but he is certainly the agent for the eastern part of this state—and sells in large quantities Galena oil. Now, that may not be other than a coincidence but that gentleman from Boston who came down here is a perjurer—nothing else—or else that same commissioner made a statement to him in his Bangor office that should put any intelligent man upon inquiry. He went into the office, so this man swears—and it is here in the testimony—and saw this commissioner and the commissioner said to him, "I am sorry you did not get the contract for Vacuum oil." And the gentleman remarked, "Well, I am sorry I didn't get the business." And the commissioner said, "You might have had it if you had come in and seen me." Now, gentlemen and ladies, we are over seven. We have got to be over twenty-one to be in here and, in the parlance of the street is there any man or woman who is so atrophied in the use and in the interpretation of plain language not to know what is ordinarily meant when some one says, "You ought to have come in and seen me." The implication is irresistible.

But pass from oil and go on to the calcium chloride. And, gentlemen, I am not posing here in an attempt at any Herculean task of cleaning the Augean stables but figuratively and seriously I say that what ought to be applied here and now is not forty ton of calcium chloride but forty ton of chloride of lime. This thing needs disinfecting. Cancel your order for calcium chloride

and get down to some plain disinfectant.

(At this point the Honorable Burleigh Martin, Speaker of the House of Representatives of the 83rd Legislature, was escorted to a seat at the right of the President, amidst the applause of the Senate.)

And what about the lime? What is there about this forty ton? It is here in the testimony. Well, Maine had used some of this calcium chloride—more or less, not any great sum—and I dare say it is all right for laying the dust and taking the place of oil. It may be all right, probably is, but all of a sudden for 1927 we find this state of Maine, through this commission, making one of the large purchases of the country, the largest purchase ever made in New England. The agent testified, if I understood his testimony, that the state of Maine purchased forty tons for use this ensuing year. Now, it may be only a coincidence, very remote, but it is an admitted fact that one member of that commission went to the concern selling the forty ton and solicited employment for his son-in-law. And it may be only a coincidence, just one of those chance happenings, that that same company took this inexperienced young man and made him state agent for Maine in the sale of their product, either before or immediately afterwards. That may be very remote from the purchase by the state of that commodity but, as the lawyers say, it was so blamed near that it was "Res gesti," a part of the affair itself. And that young man was the son-in-law of the commissioner and occupying the position of state agent with the concern selling forty ton of calcium chloride to the state of Maine. Now, if you approve of that, all right! As I say, far be it from me to pass as a Mrs. Partington and sweep back the Atlantic with a broom. I am not a candidate for further political honors. I haven't any personal animosity and really, you don't know how reluctant I am to stand here and say a word on these subjects, but as I conceive it my sworn duty under the Constitution of the State of Maine when a matter of this type is brought to my attention—and that sworn duty is in here and I can read—I am not going to shirk and slumber in the face of conditions like that.

All right! Perhaps it is coincidence and indicates nothing more than a sort of reciprocity arrangement—nothing wrong, nothing venal. Oh, no! I do not insinuate it. I doubt it. I doubt if a man who was venal would be so crude. I cannot believe that venality goes with that. But stupid to a maximum in contravention of the plain law of this state! And if you do not believe it I dare those who defend these practises to frame questions and submit them to the Supreme Court of the state of Maine, questions on the fact—and all the facts necessary are these, that the son-in-law of one of the commissioners who negotiated the contract for forty tons of calcium chloride is the state agent of the concern furnishing the forty tons. Would the Supreme Court shut off that contract? I rather think they would. In the city of Portland where a member of the city government went on an indemnity bond to a surety company that had gone on the surety bond of a contractor with the city, the Supreme Court declared the contract void. I rather think they would set aside that contract. And if nothing is done in this legislature with reference to a remedy—that contract has not yet been fulfilled—I challenge affirmative action upon the part of those entrusted with the administration of the statutes in our state to cancel that contract as being in direct violation of the mandates of the statutes.

Well, we now come to the Mack trucks. I am going to say very little about that because the Mack truck is a very good truck and the Mack truck man is a very good fellow, but I don't like the proposition of these salesmen for these trucks taking to Quebec and Montreal, and roaming all over the neighboring dominion, our commissioners who are entrusted with the expenditure of \$18,000,000 every two years of the people's money. And I will go further and show I am fair. I don't like the Chief Engineer of this state going with them. Now, what is sauce for the goose is sauce for the gander and I am not here appearing with a brief for anybody. I have not had converse in connection with these matters nor, do I think, with any other matters, with the engineer of the Highway Department. My acquaintance with that particular gentleman is limited to saying, "How-do-you-do" and I don't believe

that in all my life I have ever exchanged fifteen words with him and I personally am not interested to. I think he is a competent man but I have no brief for him. I am against this system and I am against white washing. I don't like it—I use that word.

Well, let us get away from the Mack trucks and we will skip over the stone crushers and get down to something a little more important. Paul D. Sargent, who has hitherto been regarded as a man of eminent ability, who has been signally honored by his state and by the President of the United States and who was at one time the sole commissioner in charge of this department—I believe from 1905 to 1911—and from 1913 down to date has been the engineer, never, from the inception of that department until 1927, has there been the breath of suspicion, has there been the finger of question, never has there been a thing that any legislature or any legislator would have to go forth from these halls and bow his head and equivocate when asked for explanation of "What did you do?" A man's standing and his reputation is of some value in courts of law, it is of some value in the business world, a man's standing and his general ranking. And never until within the brief limits of a few short weeks have I ever heard any man make invidious reflection upon the integrity of a man chosen by Calvin Coolidge, President of these United States, to be one of the three representatives of this Union at the World's Congress of Good Roads in Milan. Now, that man is either a betrayer or else we come to something that is more than a coincidence. Now there is no escaping it. There is no getting away from that statement, because Paul D. Sargent, according to this copy of the evidence which I have here and which I have marked with a yellow cross, solemnly swore that one of the commission approached him a long way back and said to him that he would like to have him over-measure a certain job, in other words pad the account to the extent of \$10,000 because he personally, the commissioner, stood to lose that amount. That commissioner, to be perfectly fair, denied that. You wouldn't expect him to admit it, would you, gentlemen? If he admitted it we would not be here nor, I fancy, would he be where he now

is because it is an elementary thing that even in a court of law the court looks with some degree of liberality upon even an accused man who takes the stand and denies the charge. Of course, I presume the judicial attitude in that regard is an extension of the constitutional privilege that no man shall be compelled to incriminate himself or give testimony against himself. So, when gentlemen say in the corridors or some man rises here and says that this is a question of veracity between Paul Sargent on the one hand and the commissioner in question on the other, I say, why, certainly it is a question of veracity. When you get down to the disputed issue in any case it is a question of veracity, isn't it? And there it was a dead straight open question of veracity. Well, let us see. When there is no corroborating testimony you then take the circumstantial evidence—circumstances—the things that stand around and point where the truth is, those things which if interpreted correctly do not lie. Men may lie, inanimate things won't lie. Your interpretation of them may be faulty but very frequently the circumstantial evidence is very much better than the direct.

Now, let us see what the circumstantial evidence was and where the corroboration of it tends. In the first place, if the commissioner did stand to lose ten thousand dollars there wasn't but one person in the world who could help him, and that would have been the aforesaid Paul D. Sargent, and at that time Paul D. Sargent and he were apparently upon the most cordial and amicable terms. It has been said that of course this commissioner would not have gone to his enemy. Mark you, gentlemen, do not throw dust and confuse the issue. There is no evidence of friction or animosity at that time. Everything was as smooth as a smelt. Why, even after that they were going on a junket together to Quebec and Montreal with the Mack truck salesman. Now, what are those circumstances that I referred to a minute ago? There had been a contract let to a concern whose name I do not recall, but suffice it to say that they were not Nordics, nor had their names been changed, the nomenclature changed to Nordic accommodation. Those men had taken the contract and for certain reasons it was found not advisable to give them the contract and the contract was let to another gentleman of Lat-

in persuasion by the name of Biacchi and I understand from the testimony that somebody guaranteed Biacchi the difference between the price at which he took it and his own bid and there was a difference between \$197,000 and \$200,000 and some odd, and somebody did stand to lose that if there had been a guarantee. I don't know who did it. Of course if the state did it there was no need of over measuring but if there was any individual guaranteeing it why, certainly, then you couldn't have put it through the Governor and Council, you would have to have some official O. K. it. Sargent says that the commissioner in question approached him with the offer—the overt act of what would have amounted to a conspiracy to defraud the state of Maine. And corroborative of Sargent is the fact that there was a ten thousand dollar or thereabouts discrepancy between the bid and the award. It is strange that Sargent with his Machiavellian cunning picked out a situation where he says that he was asked to over measure where there is just exactly that discrepancy between the bid and the price at which the contract was awarded. Tell me that he wasn't corroborated! Mr. President and members of the Senate, when a man in high position, even as high as a cabinet official, attempts to make a corrupt and collusive agreement with reference to the people's money, he doesn't do it over the radio and he doesn't summons in corroborative witnesses who will damn him to Gehenna if anything turns against them. The fact that Mr. Sargent was not attended by his revenue to me is of no force and no weight.

Now, pass for a moment from that and we come to another which it seems to me, Mr. President and members of the Senate, is an absolutely controlling thing. If this were an indictment with oil, lime, truck, crusher, over-measurement, all those counts, I would be willing if I were arguing for a conviction to nol pros them all and rest on one—mangy—pardon me, Manzie Rogers. Now, Manzie—he was an interesting witness, and what was the situation? The aforesaid commissioner, whom I think I need not name, but the aforesaid commissioner had a paternal—fraternal—some interest in Manzie. He had known him for many years and—and it does him credit—I like loyalty—for twenty years he had



known him and at various times had befriended him. That's all right. I don't care how much he did it. His benefactions, like a man's love affairs, are his own concern. He doesn't do the one on state time nor spend the other with state money. Now, we find Rogers contracting for that Bucksport job. And it is part of the statute, absolutely, that they must assure the Commission of their financial responsibility and their ability to carry on the job. That is the first requisite, because if they haven't got that, why, into the discard they go. Does anybody within the sound of my voice think that Manzie Rogers came properly equipped for the Bucksport job? Why, all that Manzie had was the disposition and enough for the first week's payroll. That is what he says. Oh, no, he had a few pickaxes and some shovels but he didn't have a steam shovel or a steam roller or any mixer or a Fordson, but he had a friend! And that friend happened to be the aforesaid commissioner, and he went over to the Bangor Hydro-Electric Company. Now, that concern, operating over in the eastern section of the state, conducts their business, as any big corporation does, upon a business basis. They are taking cash and not conversation. Now, Manzie went to them to get a steam shovel—I think it was a steam shovel. They had one and were willing to sell it and they sold it, and it is most interesting—I call it to your attention—sometime if the Senate permits what has not hitherto been done, the printing of this testimony and part of my remarks—and I think you will at least grant me that courtesy, otherwise I really feel almost like reading it to you but I am not going to—but when you get back to your homes and want some light reading, no matter what you do here today, you turn to the record of this testimony and turn to the testimony of the officers of the Hydro-Electric Company and you will find that their books have this significant entry with reference to this steam shovel: "Sold to—the aforesaid commissioner—and Rogers." A partnership, pure and simple! Sold to them jointly! That is the way it reads. Ah, like pulling the nails out of the door but leaving the nail hole, someone, sometime, somehow, after the initial transaction attempted to strike out the name of the aforesaid commissioner, whom I choose to regard, if I have

any value in weighing testimony, as the silent partner of the Bucksport job, silent occasionally. That was sold to the commissioner and Rogers, the commissioner's name struck out and Rogers takes the steam shovel and goes down on the job with \$725 paid down and over \$2,000 in good stock of the Bangor Hydro-Electric Company. That is an interest bearing security, that was turned over in payment for that steam shovel. Rogers and the commissioner say that the sale was directly to Rogers and that the commissioner only figured in it as a good fellow, and to prove that, and to prove their story, they introduce evidence of a promissory note given to the aforesaid good fellow by the aforesaid poor Manzie for the amount of the steam shovel and that promissory note ran down until January 18th, 1927, three days after Manzie got his money from the state, and then it was paid, and it never carried with it a cent of interest. Gentlemen, do you believe such stuff? Do you believe that they were having that dealing there, at arm's length when one of the officers in trust, one of the commissioners, bought that steam shovel to go on that job, bought in his name and in Roger's name and then his name struck out and Rogers claims ownership and pays for it by a promissory note that never carried interest for over a year and the commissioner had sacrificed the interest upon his securities? Why, that is robbery. That wouldn't appeal to a seven year old boy. If it were an honest transaction—and I say that word just exactly as I mean it—if it were an honest transaction the aforesaid commissioner could have endorsed the note of this man Rogers at any one of the banking institutions in the Queen City and Rogers could have taken care of the situation and paid the interest and the aforesaid commissioner would not have been out one penny. But when you talk about his throwing into the "Kitty" his hydro-electric stock and taking in return a dummy note that doesn't bear interest, believe it if you want to. I don't.

Now what else happened? Ford trucks, a Fordson tractor, some other things—and all paid for the same way. Rogers gives the commissioner his unsecured note not carrying any interest. Well, is that all? Not at all. Not at all. We started with

oil and we come to gas. The aforesaid commissioner, who is not interested at all in the contracts over which he has solemn trust, one of the commissioners whom this legislature is striving and straining to find money for and finance some way without increasing the tax rate, this man, to whom you have entrusted for the next two years the expenditure of eighteen millions of the hard-earned substance of the citizens of Maine, this gentleman upon that same job—thrifty?—I'll say so!—this gentleman installs several gasoline tanks and Manzie has to buy his gasoline on the job from the aforesaid commissioner—\$2782 admitted, and 15,000 gallons, if I am not mistaken, in addition to that—sold on one of those jobs by this aforesaid commissioner. To be sure, he only gets a small percentage. Gasoline may not yield a big revenue. But it does not make any difference whether the profit is in dollars or in cents. It does not make any difference whether the profit is in the way of contractual advantages or otherwise, if there is profit coming to the one holding the position of trust, he is violating that trust and violating that statute.

Now I said I wouldn't take much time and I haven't, considering the matter involved. It seems to me that if ever there were a clear-cut issue put up to a legislature it is here, and it is whether or not—I charge no venality but I do charge such a woeful incompetency, such an absolute lack of the sense of propriety and the fitness of things, as to make it imperative upon this legislature to take some direct and affirmative action to remedy the conditions.

I will finish with a word. There are matters in my hand which might properly be alluded to in argument which were not brought out in evidence—and I confine myself pretty accurately to the four corners of this report—and because of the absence of one of the parties and because I do not believe in ever playing other than what I think is perfectly fair and do not believe in striking where there is no opportunity to strike back, I am not interested in what is in that envelope and we will forget it.

Now, upwards of twenty centuries ago today a Roman governor of Judea was faced with a crisis and he dodged and ducked and one of the

perversions of history is commemorative.

It is up to the members of this Senate to say whether or not, not having read that testimony, or if you have read it, whether or not you believe that conditions in this state of Maine demand that some affirmative action other than a mere gesture shall be made looking to keep Maine, our state, in the sun. (Prolonged applause.)

Mr. DWINAL of Knox: Mr. President, I do not wish to take up much of the Senate's time and I do not intend to attempt to make any speech in connection with this matter, but if in order to get rid of two or three men, our present Highway Department is to be abolished, I wish to call the Senate's attention to two or three of the features of the act which we are to substitute in its place, because I believe that if we are to set up a new system in place of the old, that we should be sure that the new system isn't worse than the one we are discarding.

On Page 2 of the bill, beginning Section 3 it provides, "The state highway commission shall consist of three members elected by the legislature by joint ballot of the senators and representatives in convention. This legislature shall elect one to serve until the next regular session, and one until the next following regular session, and one until the next following or until their successors are chosen and qualified; and thereafter, as the terms expire, each election shall be for the term of six years."

Now, under our present system, the members of the Highway Commission are appointed by the Governor with the advice and consent of his Council. The Governor and Council are responsible for the Highway Commission. If we, in convention with the other branch of the legislature, as provided under this bill, elect the members of the Highway Commission, who will be responsible for them then?

If this legislature as is provided in the bill is able, tomorrow or sometime next week to select in joint convention three members of the Commission to serve for the next two years, and I cannot see how we are to make the selection unless someone picks them at face value, but suppose for the purpose of argument that we can do that; in each session of the legislature one member of the

Commission will have to be elected, and he will be elected for the term of six years and the combined salary he will receive for the six years will be \$28,000—\$4500 for each four years and \$5000 for the last two—if they rotate in office in the office of chairman as is undoubtedly the plan, making \$28,000 for salary for a six years term, there will be plenty of candidates for the position. Different sections of the state will come in with their candidates, Aroostook, Washington, Knox, Somerset, York, Cumberland will all be here with candidates for the position of Highway Commissioner and each one will do everything that can honorably be done to elect the man from their section of the state. It will not be a partisan political contest. It will be a sectional political contest. We will have sectionalism running riot at the beginning of the legislature, with what consequence upon the state no one can now foresee, and certainly no one can see what the effect on each legislature will be because there is no interest of the state and no department which even under our present system arouses so much sectional interest and activity. Will the candidate that we ought to have be among those who are thus striving to get the office?

The Highway Commission is the business head of the Highway Department. It is their function to determine matters of policy in our highway road work. It is their function to allocate to the various sections of the state the moneys which we provide them for the road program and allocate under law and according to justice among the counties. It is, of course, their function to arrange for the letting of contracts and to generally superintend the expense of about \$9,000,000 which we put in their hands annually and to spend it in such a way that we shall get the most and the best roads for the money that it is possible to get.

Such a position needs business experience, successful business experience in large affairs. It needs a man who has demonstrated his ability to successfully carry on a business of that size. Will such a man come over here to the State House and engage in a bitter controversy and contest such as I have described in order to get a place on the State Highway Commission? I do not believe it will be possible to get that

type of man to enter into any such contest. In fact, there is no surer way to keep them out than to subject them to such a contest as that.

On Page 3 of the bill, the second paragraph states "The members of the commission shall give their full time to the duties of their office." And further on is the paragraph which states that the salary shall be, "for the chairman five thousand dollars; for each other member four thousand five hundred dollars."

Will a man such as I have described as the type we need in the Highway Commission, a man who has been a successful business man, a man who is a successful business man, give up his private business and private income and interest and personal connection with business in order to give his full time to the State of Maine for \$4500? We have in the State of Maine, many public spirited citizens who are willing to give up a part of their time in order to discharge the duties they feel they owe to the public but it doesn't seem reasonable to me to expect that we can get this type of man to entirely surrender his personal affairs in order to serve the State of Maine Highway Commission for \$4500 a year.

It is entirely possible, as under our present system to get men of that type to give a part of their time two or three days of the week or two weeks a month, or whatever division of time is necessary to do the work they undertake to do. It has been possible in the past to have men give part time to the state so long as they could carry on their own private affairs.

Farther down on the same page, line 13, "Any wilful violation of the provisions of this chapter by any commissioner shall constitute sufficient cause for his removal by the governor with the advice and consent of the council."

The members of the Commission are to be elected by the legislative branch of the government but it is the executive branch which has the power of removal for cause.

I do not anticipate any time in the future that friction will arise between the legislative and executive branches of the government. I do not anticipate at any time the Highway Commission will become a source of contention between those branches of the state government but it is entirely possible that such a

situation may arise and if it does, this section I believe will be a fruitful source for trouble.

Those are the principal features of the bill which to my mind make it impractical for us to adopt such a system. Also there is this to be considered, that this is a radical change in the state government which abolishes our present Highway Department and sets up a new one, elected in an entirely different way, in its place. This bill has never been advertised. The people have had no notice except what they have received indirectly. They have never had an opportunity to come in and present their views on this important change in our state government and I think we would be taking a hasty action and without proper precautions if we should now, in the last two or three days of the session, with no more consideration than this, pass it to be enacted.

For the last two or three weeks we have been engaged in a long investigation of our present Highway Department. Great volumes of testimony have been taken out, making I believe, more than 400 printed pages. I venture to say that none of us have read all of that testimony. Probably we have read very little of it. Some of us heard some of it and many of us have heard various parts of it discussed and our impression of what that evidence is gained by our discussions among ourselves without considering the evidence and without making study of it and by discussions with others who are interested in this matter, and now we are asked to pass judgment upon the whole situation by legislating out of office the commissioners or the engineer or whatever is intended to do.

There is no question but what there have been disclosed by the testimony improper practices, but I think a cool and judicial consideration of the evidence, given proper time to make such consideration, will convince most of us that the report of the committee which investigated the Highway Commission was the report to make. They have stated in their report that they have found practices which are detrimental to the public interests but they have not intimated that anyone has attempted to use the office for his own personal advantage and no breach of trust has occurred. Whether or not that is true is a matter of in-

terpretation of the evidence, having considered all of it on each matter.

The Senator from Kennebec, Senator Maher, has interpreted as he believed that it is. There are several matters which he has spoken of which impressed him and I have no doubt he is sincere in his interpretation.

Business men, as a rule, are impatient with red tape and technicalities. They push ahead to accomplish the thing they have set out to do, to accomplish as soon as possible and as economically as possible, and they have no compunction about cutting corners and cutting red tape, which the professional engineer like the professional lawyer consider important, and I think they are important, and I think if they had been observed we would not have been in the situation in which we now find ourselves. But the fact still remains that last year the Highway Commission and the Engineering Department constructed in the State of Maine more mileage of road at a less cost per mile than we have ever had constructed for us before.

Out of 100 jobs that were completed last year, two have been criticised—matters in connection with two of them have been criticised, and two engineers out of 20 resident engineers, have come in here and stated that they complained about interference from the commissioner. The evidence on those points is more or less conflicting.

The matter of over measurements has been mentioned. Now as I understand the testimony, that was not established. It was true that the contractor who finally constructed that piece of work had taken the contract for \$208,000 and was induced by one of the commissioners to reduce that contract to \$197,000, making a difference of \$11,000, and his testimony was that the contractor stood to lose \$10,000 on the contract. Now the chief engineer stated that as he remembered the situation, it was the commissioner who said that. I do not know which it was but we can interpret the evidence according to our own choice. One states that it was the Commissioner who said it, and the other states that it was the contractor who said it, the contractor who had accepted \$197,000 in place of \$208,000. But it has been said the Commissioner had said he

stood to lose this money, but according to the examination of the Chief Engineer in cross examination, the statements were made on the 9th of June, which was a week or ten days after the contract was let. If the Commissioner stood to lose \$10,000 he did not know it. The work had not been started and he could not have known it. There was not any road to measure.

As to the Kennebec Oil Company: In that case the State got the Kennebec Oil Company contract for oil at forty-four cents, whereas the average price was eighty-four cents, and bids ranged all the way from seventy to ninety cents, but the contract went to the Kennebec Oil Company for forty-four cents, and if I remember the evidence correctly, the Commissioner's explanation was that he showed the Highway Department how he could get a lower price and he knew what the dealer had to pay for it and what it should sell for.

I will not take up further testimony. You can draw your inferences and you can interpret the testimony, but I am convinced no one has tried to make money out of the state. I am convinced the Engineering Department have tried to do the best they can and the Commissioners tried to get the best roads they could for the least amount of money, but I would rather see restrictions interposed than to attempt to legislate men out of office at this time and under the circumstances. At any rate, whether you agree with that or not, I feel that we should not set up such a system as that; and I hope that the report of the committee, which was "ought not to pass" will be accepted by this body.

Mr. HOLMES of Androscoggin: Mr. President, once again it has fallen to me, the only Democrat in this Senate to warn and advise the Senate composed of such an overwhelming majority of Republicans as I did twice yesterday and once this morning, that they are headed in the wrong direction. Probably as little attention will be paid to me as before, but at least I shall keep myself consistent. I am willing to come here next week with the rest of the members of this legislature and sit, if necessary, as a high court, created by the Constitution, as long as it may take, a week or more if necessary, that the performance of our

duty in whatever aspect it presents itself to us.

We were not elected for three months nor for any particular time but to perform the public duty as long as our attendance here should be required and so if such a procedure is necessary or advisable, I am willing to take part in that and to sit with the rest of you as judges. But just as I voted on the bill to abolish the present Lewiston Police Commission, for the reason that I state, that I am opposed to legislating anybody out of office, so I feel that it is my duty to vote just the same today and to tell this Senate that I believe it is also their duty. And if they believe, after considering the evidence which the learned Senator from Kennebec, Senator Maher, has quoted from, if they believe that there is a necessity or an advisability for a constitutional proceeding, then they should take that procedure.

Mr. GRANVILLE of York: Mr. President, I am about to make a motion. I think it is perhaps advisable, not wishing to delay the term of this legislature, but we are all tired and I would like to make a few remarks upon this measure before its final vote, but I would much prefer to do so later, and so I move that we now recess until eight o'clock, and that the matter lie upon the table until that time.

Thereupon, the Senate recessed until eight o'clock.

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#### After Recess

Senate called to order by the President.

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Additional papers from the House, out of order and under suspension of the rules, disposed of in concurrence.

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From the House, Resolve in favor of the towns of Gardiner and Randolph (H. P. 1334).

(In Senate, April 15, passed to be engrossed in concurrence).

In the House, passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, that body reconsidered its former action whereby the resolve was passed to be engrossed, House Amendment A was adopted and the resolve as so amended was

passed to be engrossed in concurrence.

#### Report of Committee

(Out of order and under suspension of the rules).

The Committee of Conference, on the disagreeing action of the two branches of the Legislature, on bill An Act to amend An Act to abolish the Board of Public Works of the City of Lewiston and to provide a Highway Commission (H. D. 469) reported that they are unable to agree.

The report was read and accepted in concurrence.

#### Passed to be Enacted

(Out of order and under suspension of the rules).

An Act Relating to the Bar Harbor Banking & Trust Company (H. D. 616).

#### Finally Passed

(Out of order and under suspension of the rules).

Resolve in Favor of Several Academies, Institutes, Seminaries and Colleges for Maintenance, Repairs and Improvements (S. D. 386).

The President laid before the Senate, An Act to render unlawful all disturbances of the bands of radio waves used for radiotelephony and radiotelegraphy, (S. D. 68), which was recalled from the Governor, and recognized Senator Miner.

Mr. MINER of Washington: Mr. President, it was my intention to yield to the Senator from Cumberland, Senator Slocum, but he is not in his seat.

The PRESIDENT: The Chair will state that the Senator is anxious that the bill go into the executive chamber at once.

Thereupon, on motion by Mr. Miner of Washington, the rules were suspended and the Secretary was instructed to present the bill to the Governor.

Mr. MAHER of Kennebec: Mr. President, I realize that I am out of order, but before I came in a matter in which I am considerably interested was indefinitely postponed, relative to welfare conditions in the State of Maine, and I suggest that we reconsider the vote whereby it was indefinitely postponed.

The PRESIDENT: The Chair will state for the benefit of the Senator from Kennebec, Senator Maher, and recognizes that the rules are now suspended and unanimous consent is granted to discuss a matter not before this Senate, that an order was passed in the House, recalling from the legislative files, House Document 365, relative to welfare conditions in the State of Maine, and this body passed the order in concurrence. Does the Senator wish to reconsider the vote whereby we recalled?

Thereupon, on motion by Mr. Maher of Kennebec, the Senate voted to reconsider its action whereby this order was passed in concurrence, and on further motion by the same Senator, the order was tabled, pending consideration.

The President laid before the Senate, An Act to provide for a full time State Highway Commission, (S. D. 282), tabled earlier in today's session by Mr. Granville of York, and recognized that Senator.

Mr. GRANVILLE of York: Mr. President and fellow Senators. It seems to have been my fortune or misfortune to be connected with hydro-headed and triple-headed things in this legislature. Not that I wish in any way to shirk my duty or fail to express my honest convictions, but in approaching this subject upon which we are dealing tonight, and in the method and manner and time I introduced this Act, I have been fearful that I might be misunderstood and my actions misconstrued, but let me state at this time, that whatever I may say and whatever action I may have taken, that I am vitally interested in the good roads in the State of Maine. If there has been one subject upon which my activities have been concentrated during my legislative activities in the state of Maine, it has been on good roads. In considering and discussing this question, I want it understood that York County and myself as a senator from York County is as vitally interested and concerned as any member of this legislature, for we have on this Commission, one man from York County and at least two engineers, and in my introduction of this act at the time that I thought I should do so, I wanted it distinctly understood that it was not without any pre-

judging of the case or the cause, it was absolutely without fear or favor.

The reason for my introducing this Act is because I have for several years believed that it was the only proper manner of handling and conducting the state affairs as relates to our legislature. Consider that your road program is the most vital of all your legislative activities and from the fact that fifty percent of all your expenditures are conducted through this department. We come down here and we discuss the expenditure of eight or nine million dollars in our budget. We consider it is of most vital concern to keep the tax rate from seven mills to six and a half mills. I think we in a measure, lose sight of the fact that we have one commission functioning down here in the building at our left which is spending as much money as all the other departments in the state of Maine.

Now we may in a measure take that for granted, because this is a matter, this is a department, a function of the state which is perhaps a matter of only 13 years old which started out with the meagre appropriation of two million dollars and I do not doubt the proponents and advocates of the two million dollar bond issue considered that amount would construct all the roads that in the state of Maine was necessary. Gradually we have amended our laws. We have voted additional bond issues. We have increased our gas tax. We have added a mill tax until the income which is flowing into that department has increased from a very meagre sum to nine million dollars a year but we have not given it mature consideration or attention as is shown by the fact that we have got the same machinery for handling that nine million dollars as we had for a few hundred thousand.

If I may say without being misunderstood, and as I say, without fear of favor or prejudice, that I think that almost all of the troubles you have had in this department upon which we have spent thousands of dollars in investigation, have not arisen so much from the personnel of your commission, as from remissness on the part of the legislature of the State of Maine and the citizens of the state in trying to and requiring of a part time

Highway Commission to function and do as much as all the other activities of your state. Now we have required and we do require that we have a full time governor, secretary of state, treasurer, commissioner of agriculture, auditor and several other full time men in the state of Maine, who altogether in their culminated activities do not spend a sum in excess of what three half time men do. In your own private business, whether you are functioning as an individual, as a partnership or corporation, if you were not sadly remiss as to your own interests or the interests of your stockholders or your partners, you would not leave the disposition and the spending of nine million dollars to men who are only paid to function one half a day a week.

But you naturally come up from the perniciousness of this system, that men who are being paid to attend to their duties, men who are busy, men who have many activities to attend to, that they must necessarily delegate to others a large part of their duties. Now those duties would have to devolve of course, upon your chief subordinate, they being responsible for the expenditure of this money and delegating it necessarily to a subordinate with no criticism to the subordinate. I actually think, if I may interject it at this time, I actually think the State of Maine has done more with the sum of money to spend on roads than any state in the United States. It will naturally happen that the subordinate will feel, does feel, and is bound to feel that they are responsible. That, gentlemen, is the reason for my introduction of this bill.

I want to say further if I may, without being misunderstood, that were I an engineer in that department, or were I commissioner of Highways in the State of Maine, I should demand vindication. I don't think that I, as a legislator will ever vote to place in the hands of a discordant commission, any extra money. This is said without criticism but I think it is plainly shown by the evidence, that the main trouble and practically all the trouble with the Commission is that there is dissention, and dissention means inefficiency and it is in my mind now and I want to freely express

it to you; the only way that this thing can be settled is for either those members whose reputation is in question, whose honesty is questioned, whose integrity is questioned—the only way I would be willing to function it, would be by vindication and what better way? What other way is there to solve this, by either reappointment or election? I am not saying this through the intention, the suggestion or the approval of any man, that I am interested in any branch, the commission or the engineer, but I will say this, and state briefly, that if I were a member of the Highway Commission today I would either ask to be elected to a full time Commission or be reappointed to some commission. I would not think that I would be justified, that I would have any reason to function as a Commission, with the doubt, distrust and suspicion that prevails today. Now it does not make any difference whether your Committee of investigation makes whatever report they may, I will say for one member, when we made a report just as near as we could according to findings, but there will always remain in the minds of some people in the State of Maine a question and therefore I would heartily recommend and endorse and support a different form of Commission and if any member of this Commission has the full confidence of the people of the State of Maine, there is no doubt they will be re-elected.

The bill I introduced varies quite a good deal from the present method. I made the salary what I thought was commensurate so that a man could afford to devote his time to the Commission, a man of integrity and business judgment. The provision is contrary to the present procedure, that they shall be elected by the legislature instead of being appointed by the Governor, but I did this for the sole reason and this sole purpose, that I believe in the primaries and I believe in going back just as near as you can to the people and I know no place that is nearer the people than the legislature of the State of Maine. You simply go back one evolution in the matter.

We have always, since the state was admitted, elected most of our active heads by the legislature and I have yet to hear of any criticism

of the results of that form of election. I think you should certainly elect by the legislature such men as your secretary of state, your attorney general and other heads of departments.

I think that is an important thing for the provision and protection of the state,—a full fledged Highway Commission, elected by the legislature.

Mr. WOODS of Penobscot: Mr. President and members of the Senate, I have no desire to criticize Mr. Innes because he is only an acquaintance of mine. I have no brief or praise for Mr. Murray because he is a townsman of mine, but I know that no member of this Senate has any reason to criticize either after we read the report which the distinguished Senator, who was a member of the committee who made the investigation, made.

In reply to electing our officers of the state: Some states think it wise to elect our court judges. We have not thought so yet in Maine. Some of us who live in Maine feel that possibly men who are elected to office by the legislature are more apt to be elected through political pull than they are through personal fitness.

I have no criticism to make to the attack that the distinguished Senator from Kennebec made on the character of the gentleman from Bangor, neither am I going to attempt to convince you of any action to take because after having spent three months as I have, I know you would all admire on your own.

Something, Mr. President, has transpired since high noon today which I desire to tell this Senate. Dr. Wardell, the gentleman who drew the plans and specifications for the bridge at Bath—I am not sure about the amount of money he was to receive but I think it was \$100,000, and through the assistance of his engineers, sounding at the bottom of the Kennebec River at Bath and those engineers reported to the directors and engineers who had the plans of making the bridge in the end, that the distance to rock bottom from the bottom of the river to bed rock was 116 feet. Specifications were made on this basis and the contract price, or the bid price was made and submitted to the bridge commission and then to the



governor and council. The price to be received for removing this earth 116 feet below the waters of the Kennebec River was about \$40.00 per yard but it was proposed to let this contract on these estimated soundings, but, sir, there was one man in that Commission who was unwilling to have that contract so let and he held out against the other five, there being six in this body, to have that excavation for those piers made to hold that bridge, for a lump sum and it was held up by the governor and council in this room after some discussion, that they should not take this contract to remove this earth for those piers for \$40.00 a yard but they should do it, no matter how far to bed rock for an excess or a guarantee of \$85,000 more.

This was discussed and one of the members thought it unwise and that man who sat in that seat and worked for years for that bridge, disagreed with them, but after discussion and consideration, it was decided to award those contracts on that basis and that contract was awarded and those engineers were to go, it made no difference how far beyond the estimates of the engineers who made the soundings, but they were to go to bed rock for an excess of \$85,000. Days went on and the excavation is being made. They are down now to 116 feet and they are about as low or as far beneath the water as men have been yet able to work.

Mr. Waddell today called upon the Governor and he is the engineer for the foundation company that is putting in the foundation, and he said to him, "It will be impossible for us to go farther because the men cannot work down there," and he was told that if he could not go any farther as he had agreed to for this excess amount of money that was paid him, there was something due the state. He said "that is all right." He was asked why. And he said, "I say so and I am a man of reputation." And we know he is one of the foremost bridge builders in America, and he gets more than \$6000 a year.

The discussion went on and he was told that he would have to go to rock bottom and he went back to his company and what happened? In about two hours a message was

telephoned to this Capitol that they would go to rock bottom. Now it makes some difference to us in the bridge that we all cherish and hope to have that will be of such benefit to us if it sets upon mud or sets upon ledge which should be the foundation of all bridges, and Mr. President, the man who stood up, the man who stood out against all the others, the man who stood out with the able assistance of Dr. Waddell, was the man that the distinguished Senator from Kennebec, tried to crucify on the cross, Mr. Charles Murray.

Mr. OAKES of Cumberland: Mr. President and Members of the Senate, I signed the minority report of the Judiciary Committee with the Senator from Kennebec. I believe we were the minority signers on that report, but I feel it is my duty to state to the Senate my reason for signing this report. I do not feel satisfied that the so-called Granville bill is right. I do not wish to see the bill passed in its present state. I signed the report, believing that we should present the matter to this Senate for action of some sort and at least for consideration.

I realize that it is late in the session and we do not want to take the time if we can avoid it. I am impressed with the statement of the gentleman from Androscoggin that we are confronted with a very important matter, and that we should consider it with a great deal of care. We are here in a judicial capacity. We have been here several months working on one half of the state's expenditures. We are now confronted with what shall be done with the other half or about \$9,000,000 a year or \$18,000,000 for two years.

I realize that to delay on this matter may militate against other matters that are very dear to my heart. I realize it is said in the corridors that there has been intent to delay for that purpose but I feel that we have a greater duty, that I have a greater obligation to the state than the other matters involved. They may not be so important to certain interests but they are more important to the people as a whole and I believe that is this question of the expenditure of this \$18,000,000 and I have asked myself

this question, I have placed myself in the position of a judge of probate and I wish you would each consider yourself in that position for a moment and ask yourself this question: If, as a judge of probate, you were confronted with the appointment of trustees of an estate, knowing as you do, the statements that have been made regarding the Highway Commission, not having had opportunity to read the evidence, not having had the opportunity to determine for yourselves whether the summaries we have read in the papers or such evidence as you have heard is or is not correct, would you, individually, as a judge of probate, appoint the members of the Highway Commission to take charge as trustees of an estate of a deceased person and care for that estate for the widow?

Mr. SMITH of Somerset: Mr. President, without discussing the merits or demerits of the question before us I simply rise to correct what seems to me to be an unfair statement made by one of the good senators from Penobscot yesterday, whereby it was stated that the Senator from York, Senator Granville, may have introduced the bill before us because of the existing conditions. I want to state that four years ago the Senator from York, Senator Granville, introduced a similar act and at the beginning of this session he and I many times discussed the same proposition. I have been very closely associated for several terms with the Senator from York (Senator Granville) and I can truly state that he shoots straight ahead all the time, never once scheming or conniving to wrong a single human being. (Applause.)

Mr. DOUGLAS of Hancock: Mr. President, it seems to me that several of our distinguished senators have spoken pro and con on several different things without, perhaps, touching upon the question as to when and how we would have time to get an elective commission. If such a measure had been proposed at the first part of this session before this investigation started perhaps some of us possibly might have been inclined toward that sort of an elective commission but here is a commission appointed by the man who appoints the judges of the Supreme Court and every other

appointive office in this state and that commission has served—and I say it without fear of contradiction—efficiently in the building of the roads. Some things have been brought out in evidence that were sat upon and judged by a committee appointed by this body and the other branch in the other room and those men made a splendid report. There is no question about their sincerity in their report. Now, we come back, after accepting their report, and at this late hour in the day's particular session they ask us to go and pick out some candidates to elect to this office to spend this eighteen million dollars in the next two years when every one connected with it in any way, shape or manner will acknowledge that they have built good roads and built them cheaply. Some will say that they have erred in judgment. I claim that back as far as two thousand years ago, as the good senator from Kennebec (Mr. Maher) said, there were people who made mistakes and they were forgiven. I stand here holding no brief for any man. I hope I am friends with every man of the commission and with every one connected with the engineering department of that commission. And I hold no brief, I have never done a cent's worth of business with any of them and I claim that in the eyes of every one those men have been vindicated, that nothing of a venal nature has been found against them and that they have been told by the committee practically in so many words, "Go back to work, serve your state and give us good roads."

I claim that the things that may have been said by some of the senators here were the honest opinions of those senators and I ask the same right to say here that in my honest opinion Maine can still carry on her road program, Maine can still build good roads and not lose one cent and not be afraid to trust that commission, appointed by our Governor, with the funds in their hands. And I hope and pray and with my vote shall try to bring about that that commission shall be given a chance to go on.

Mr. CASE of Washington: Mr. President, I understood when we began this discussion this afternoon that we were debating the Granville bill. It seems to me that we have

debated most everything else from the beginning up to the present time. As the Senator from Somerset (Senator Smith) has already said, this bill or a similar bill a few years ago was referred to the people and the people rejected it. Now, in the closing hours of this session, after the time has passed by several weeks for the introduction of bills, this bill comes in before us. Two senators signed the minority report—I think the Honorable Senator from Kennebec who thought it was not a good bill and the Senator from Cumberland who says he does not approve of it. Now, I have got to agree with those gentlemen. I don't think the time has come or that at this time in the session we should attempt to pass this bill.

Mr. SPEAR of Cumberland: Mr. President, that bill has been before this legislature three or four weeks. It has been properly advertised and I can see no need of hurrying to get away from this legislature with conditions in the Highway Department in the shape they are now in with matters in the air and I want to go on record and say that I would not be willing to go away from this legislature and leave \$18,000,000 to be spent by that department. I would not think it was proper and right to leave at this time until all matters have been straightened out.

Mr. MAHER: Mr. President, not to take up any time, but to answer what I have heard of argument with reference to the present situation, this seems to me to be very much in the nature of confession and avoidance, as the lawyers say. I frankly stated that I didn't know whether this Granville bill was right or not. Mr. Oakes, the Senator from Cumberland, goes further than that and says he thinks there ought to be a change. All the argument of the Senator from Knox, Senator Dwinal, has been dealing with technicalities with reference to a particular bill.

Gentlemen and members, do not think that that befores the issue. The particular form of the bill is not the issue. Section by section this legislature is certainly competent enough, when we have seen bills recalled from the legislative files and bills recalled from the executive department and recommitted to committees, this legislature is certainly competent now, if it ever will be, to

draft a measure that will meet the situation.

The situation as I view it, members of the Senate, is whether you are confronted with the condition or a mere theory. It is whether or not you are elected to come down here until a certain definite time in April and then go when there comes the call of Spring, or whether you are here to discharge the business of this state.

Now I haven't the slightest interest in what is done here and I speak just from my own conviction. I have heard very little from any senator on this floor with reference to the specific and definite and unequivocal charges that I made of misfeasance. What senator stands here and dares now say that he approves of a commissioner of this state entrusted with the expenditure of \$18,000,000 negotiating a forty thousand dollar contract for calcium chloride for our roads with his son-in-law as the sales agent? The senator that approves of that, make no mistake, goes back with that definite approval after his name to his constituency. What senator approves of a quasi partnership with Manzie Rogers on the Bucksport job? That is the question. There is no evading it. Assume that it is a debatable question whether a man of the standing of Paul D. Sargent perjured in there when he said that one commissioner asked him, for his own personal ends, to over measure a piece of road in order to make him whole to the extent of ten thousand dollars. What senator approves of that?

What are a few days out of a legislative life or out of any of our lives compared with the importance of meeting that condition? I hope, members of the Senate, that the minority report will be accepted in order that you may at least show a disposition to go to the next stage of attempting affirmative relief over a nauseating situation, and when the vote is taken I ask that it be taken by yeas and nays.

Mr. GRANVILLE of York: Mr. President and fellow senators, I would be without the spirit of gratitude if I did not recognize in a public manner the splendid tribute paid me by my close associate and fellow Senator from Somerset, Senator Smith. It touches me more than I can say.

I am going to agree with Senator Woods that we should go to rock bottom. There is where I believe in going. That is why I am supporting this bill. That is why I introduced it. Now, if there is anything between rock bottom and our conduct of the state affairs of this commission let us turn it up. I am as tired and as nervous and as anxious to get away from the Legislature as any man in it but if necessary I will stay right here until Hell freezes over and I will see justice done to everybody and I want to see all the myths of suspicion and doubt and distress removed.

Mr. HOLMES: Mr. President, I merely want to call attention to the fact that I am the only member of this Senate who has proposed a trial before this Legislature as a high constitutional court.

The PRESIDENT: The question is on the acceptance of the majority report and the Senator from Kennebec, Senator Maher, has asked that the vote be taken by yeas and nays. As many as favor the yeas and nays will rise and stand in their places until counted.

A sufficient number having arisen the yeas and nays were ordered.

Mr. OAKES of Cumberland: Mr. President, I would ask that the President state which report is the majority report and which is the minority report.

The PRESIDENT: The President will. The majority report is the report "ought not to pass" and the minority report is "ought to pass." Does that answer the Senator?

Mr. OAKES: Thank you, Mr. President.

Mr. SMITH: Mr. President, I would like to be excused from voting due to the fact that I am paired with Senator Allen of Penobscot who was obliged to go home this afternoon. If here she would vote against a full time commission and I would vote for it.

The PRESIDENT: The Chair will state the question. As many as favor the acceptance of the majority report "ought not to pass"—

Mr. MAHER: Mr. President, may I ask the Chair whose motion that is?

The PRESIDENT: The records will show. It is as on the bill unless the Chair is in error. Does the senator care to have the record of April 14th read in regard to it?

Mr. MAHER: No, Mr. President.

The PRESIDENT: The Chair will read the endorsement on the bill: "In the Senate, April 14th, 1927, tabled by Mr. Maher of Kennebec pending acceptance of the majority report."

Mr. MAHER: Unless the Chair can tell me who made the motion—

The PRESIDENT: The Chair cannot. The Chair cannot carry these matters in his head.

Mr. MAHER: My motion, Mr. President, was to accept the minority report.

The PRESIDENT: The Chair will state that when the matter came from the table the pending motion was then the acceptance of the majority report. The question is as endorsed on the bill, the acceptance of the majority report, that being the pending question. As many as favor the acceptance of the majority report will answer "Yes" when their names are called. Those who are opposed will answer "No." The Secretary will call the roll.

The Secretary called the roll.

Those voting "yes" were Senators: Bond, Bragdon, Buzzell, Case, Crafts, Douglas, Drake, Dwinall, Harriman, Holmes, Lord, Miner, Mitchell, Morrison, Nickerson, Perkins, Pinkham, Roberts, Speirs, Woods—20.

Those voting "no" were Senators: Dunbar, Foster, Granville, Maher, Oakes, Slocum, Spear—7.

Paired: Senators Allen and Smith.

The PRESIDENT: Twenty senators having voted in the affirmative and seven in the negative the motion to accept the majority report prevails of passage.

Mr. WOODS: Mr. President, I move that we reconsider our vote whereby we voted to accept the majority report and I hope that my motion fails.

A viva voce vote being doubted

A division of the Senate was had.

Two having voted in the affirmative and sixteen in the negative the motion to reconsider failed of passage.

### Reports of Committee

(Out of order and under suspension of the rules.)

Mr. LORD, from the Committee on Public Buildings and Grounds, submitted its final report.

The report was read and accepted.

**Passed to be Enacted**

(Out of order and under suspension of the rules.)

An Act Relating to Primary Elections. (S. D. 371)

An Act Relating to the Removal of Snow from Highways and Town Ways. (S. P. 671)

Resolve in Favor of the Town of Norridgewock. (H. P. 1329)

From the House, out of order and under suspension of the rules: An Act to provide equitable and uniform taxation for motor vehicles. (H. D. 625)

(In Senate, April 14, indefinitely postponed in non-concurrence.)

In the House, passed to be engrossed, as amended by House Amendment "A," in non-concurrence.

Mr. ROBERTS of York: Mr. President, is the motion to adhere in order?

The PRESIDENT: The motion to adhere is in order.

Mr. ROBERTS: And that sustains our former action?

The PRESIDENT: The Chair will state that it does.

Mr. ROBERTS: I move that we adhere.

The PRESIDENT: Is this the pleasure of the Senate?

Mr. DOUGLAS of Hancock: Mr. President, is the motion to insist in order.

The PRESIDENT: It is and it takes precedence over the motion to adhere.

Mr. DOUGLAS: I move that we insist and ask for a committee of conference.

Mr. ROBERTS: Mr. President, I didn't realize that this was coming back into the Senate at this time. I should like very much to have this tabled until tomorrow morning.

A viva voce vote being taken the motion to table failed of passage.

Mr. OAKES of Cumberland: Mr. President, I will ask if amendments were added in the House.

The PRESIDENT: They were.

Mr. OAKES: I would like to have the amendments read, Mr. President.

The PRESIDENT: Out of order and under suspension of the rules the amendments will be read before the motion is put.

The Secretary read House Amendment A and House Amendment B to House Document 625.

Mr. OAKES: Mr. President, I

wish to state that as I understand one of those amendments it meets the objection that was made yesterday regarding the old valuation of cars that have been used a great deal which says that after the sixth year no cars shall be assessed to a tax of over eight dollars. The other provides that after July 15th the amount of tax shall be reduced one-third and after September 1st it shall be reduced another third so that anybody paying a tax or buying a car from the fifteenth of July to the first of September will only pay two-thirds and from September 1st to January 1st will pay one-third so that there will not be a double assessment altogether.

The PRESIDENT: The Chair is allowing debate on the amendment, out of order. Is that what the senator wishes to debate?

Mr. ROBERTS: Mr. President, the amendment to the bill I think I object to as much as I do the bill and I would like to ask a question of Senator Oakes through the Chair if I may.

The PRESIDENT: The Chair is allowing the debate upon the amendment to go on out of order. The amendment is not before this body at the present time.

Mr. ROBERTS: Mr. President, I would like to ask the Senator from Cumberland, Senator Oakes, what his idea of the value would be on a Rolls Royce or a Packard car that cost from seven to nine thousand dollars and has been run twenty or twenty-five thousand miles, after six years.

Mr. OAKES: Well, Mr. President, I might say that the value after six years would be greatly reduced. Under the Federal system, as I remember it, a depreciation of 20 percent a year is allowed so I think the maximum would probably be an inadequate amount of tax after six years on almost any car.

Mr. ROBERTS: Mr. President, in reply to that statement, I want to say that I haven't the figures with me at present but I read from figures that I received from the mayor of Bangor in regard to taxing automobiles on a 20 percent reduction each year where the city of Bangor under this bill in comparison with their present law would lose \$93 on every \$4,000 car in that city.

Mr. DOUGLAS: Mr. President, I move that the amendment be adopt-

ed in concurrence if that is the motion that is in order.

The PRESIDENT: The Chair will state that there is a motion now to insist and ask for a committee of conference, the Senator from Hancock, Senator Douglas, having made that motion. Is it the pleasure of the Senate that we insist and ask for a committee of conference?

A viva voce vote being doubted

A division of the Senate was had.

Nine having voted in the affirmative and sixteen in the negative the motion to insist failed of passage.

The PRESIDENT: The question is now on the motion of the Senator from York, Senator Roberts, that we adhere to our former action. Is that the pleasure of the Senate?

The motion to adhere prevailed.

The PRESIDENT: The Chair will state that there are certain matters on the table which are assigned for today and if the Senate wishes to continue the Chair will present the matter tabled by the Senator from Washington, Senator Case, An Act relating to a mill tax State Highway Fund (H. D. 626).

Mr. CASE of Washington: Mr. President, as that relates to several other matters I would like to have it retabled until they all come up.

The PRESIDENT: They are today assigned. The Chair has no choice except to present them.

On motion by Mr. Case of Washington, House Document 626 was laid upon the table.

The President laid before the Senate, An Act relating to a tax on gasoline (H. D. 629) tabled earlier in today's session by the Senator from Somerset, Senator Smith; and the President recognized that Senator.

Mr. SMITH of Somerset: Mr. President, I regret that it is necessary to discuss this matter even for a few moments as I am now so weary that it is almost impossible to speak at all. The question of the tax revolves itself around this one thought: Do we want to build more good roads in the state of Maine? If we do not, there is no argument. The question is settled. If we do, it becomes necessary to provide the funds with which to build more and better roads and assuming that the people of the state do want to continue our present

policy the Committee on Ways and Bridges have at some expense worked out a road program. There are four avenues through which we can obtain money for building highways—bonds, gas tax, increased automobile licenses and a direct tax. We considered the matter of increasing the automobile licenses first and when finding that the state of Maine as compared with other states was in about the tenth position from the top, that is, that some thirty states have lower fees, when considering that the average tax on automobiles throughout the United States is \$9.61 and we are now paying \$15.61 it seemed to your committee that we could not obtain from this source additional revenue. The next matter was the bond issue about which there has been more or less sentiment in favor of the proposition. We have something like \$16,000,000 of unpaid bonds, the payment of which extends until 1945. Taking into consideration that it will be necessary to issue at least \$15,000,000 more in the near future for bridges, going into the future something like forty years beyond, if the payment of the same are upon the same conditions, it didn't seem advisable to your committee to issue more highway bonds at this time.

The next question is the proposition of the mill tax. There were many of us who believed that property should bear a larger part, a larger share of the expense of building and maintaining our highways but since this matter has been disposed of in the other body we come down to the last item of revenue, the matter of gasoline increase. I would call your attention to the fact that at the beginning of this session the average assessment of gasoline tax throughout the United States was 2 3-4 cents per gallon and that in this short time since the assembling of this legislative body, the average has increased to 3 1-2 cents per gallon, indicating that this seems to be the manner selected by our sister states for obtaining revenue with which to build and maintain their highways.

The increase asked for is one cent, making the tax on gasoline 4 cents per gallon. With this increase we have a progressive road program but should we, as stated before today, fail to pass this proposed leg-

islation, this legislature will adjourn with a road program completely demoralized. In fact, without this one cent increase it would be impossible for us to avail ourselves of the Federal aid that comes to us without charge. It has been stated by the Senator from Androscoggin, Senator Holmes, that the Pay-as-you-go plan sounds good. It is true, and it is good, and I believe that the people of Maine some day will endorse the efforts that have been made by our Chief Executive in bringing about a Pay-as-you-go plan. I believe that some day the tax payers will endorse the position that this legislature is taking in attempting to place our road program upon a business foundation and I very much hope that you will vote to sustain the majority report "ought to pass" in favor of increasing the gasoline tax.

Mr. HOLMES of Androscoggin: Mr. President, for information and in order that I may be certain of something which I do not recall I should like to ask through the Chair of the Senator from Somerset, Senator Smith, a question, and it is this: Whether or not Senate Document 177, An Act to authorize the issuance of bonds for construction of highways, etc., which on its face says was referred to the Committee on Judiciary, and which I believe was afterwards referred to the Committee on Ways and Bridges, whether or not that has ever been reported out?

Mr. SMITH: I will say, answering through the Chair, that it has been reported out "ought not to pass."

Mr. HOLMES: And one question more, Mr. President. When was that? I don't remember.

Mr. SMITH: Mr. President, I am unable to give the Senator this information, but within the past two or three days.

Mr. HOLMES: Yes, Mr. President. Now, of course on the face of it, we would apparently now be in the position where we would have to except the plan sponsored and defended by the Senator from Somerset (Senator Smith). Yet, as there is always time to put through legislation before we adjourn if it be the will and the considered decision of the legislature, it would be possible to revive the bill to issue bonds which the senator informs

me has been reported "ought not to pass."

Now, my proposed amendment on this question of a 4 cent gas tax was voted down so that is the end of that but I do not believe that by voting "no" on the passage of this bill now I will be blocking this year's construction and I am therefore going to vote "no" because I am convinced that this question will get to the people in spite of us because the constitution gives them a way to bring it up and I do believe from all that I can learn that there is a strong opposition to increasing the gas tax in almost every part of the state and a great deal of bitterness in opposition to it and I believe that that is very liable to bring about a referendum petition which will suspend this act from going into effect. Now, I should like to have the Senator from Somerset, Senator Smith, inform this Senate if there is any state in the United States that is actually on the Pay-as-you-go policy. My information from what I hear and from what I read is that there is not, except that it has been said that the state of North Dakota was on that plan and it has also been said, I believe, that that state has no good roads and of course I refer to states that are really trying to build modern roads.

Now I believe, although I did not attend the hearing before the committee on this question, I believe from my information, that a plan was proposed to that committee which would bridge over the construction and maintenance until the first part of September when the people would get a chance to vote on the proposition, if they exercised their constitutional rights and I do not think that this Senate need be frightened into passing this four cent gas tax.

Mr. FOSTER of Kennebec: Mr. President, at this late hour I do not think it wise to make any extended remarks except that it seems to me that this Committee on Ways and Bridges is one of the hardest worked committees of this legislature. I believe we will all admit that and I believe also we will admit that we have gone into this subject most thoroughly and I will say that I am perfectly willing to take the sound, considered judgment of this committee on this matter. I am

therefore in favor of the motion of the Senator from Somerset, Sentaor Smith.

Mr. SPEAR of Cumberland: Mr. President, I just want to place myself on record as one member from the delegation from Cumberland County as being against the one cent increase in the gas tax as many of my constituents have asked me to vote against it.

Mr. MAHER of Kennebec: Mr. President, in 1919 I had the unique distinction of introducing the first gas tax proposition and I recall very well that it was referred to the Committee on Taxation and the smiles of derision which greeted the proposition which was treated as a jest and voted down. If I could have had the foresight to have looked forward to this day when the proposition would affect vast sums being used for maintenance and indirect contributions from the fishermen and agriculturalists who are not using the roads and see it, by gradual transition get around to new construction and see bonds go into the discard I think I never would have introduced any measure whatever. I think there is such a thing as plucking the goose until it squeals and personally I am against the four cent tax.

Mr. OAKES of Cumberland: Mr. President, I feel that I should say that I believe it is the consensus of opinion in Cumberland County that this is not the time for a four cent gas tax. We have a three cent gas tax. New Hampshire has recently adopted it and Massachusetts has adopted the principle of the tax and the displeasure that has been felt in the other states because of our adopting a gas tax theory, or large gas tax theory, may affect us here in Maine. I think that this is the time to take advantage of our publicity program and invite people from other states to come in here on an equal basis of taxation and perhaps take up the four cent tax later. I personally am very strongly in favor of the gas tax theory as an equitable of taxation for road construction but I doubt if this is the time to adopt a four cent tax.

Mr. SMITH of Somerset: Mr. President, it is rather a strange coincidence that the senators from Cumberland are opposing this increase in the gasoline tax, especially when you put all the cards on

the table and talk over the matter as it actually exists. I well remember two years ago how earnestly many of the members from Cumberland County, how earnestly the automobile association of that section of the state came before this legislature asking for an increase in the gasoline tax when it was understood that one cent of the increase was to be expended in that section of the state. As a matter of fact, the road now being built, the same road if you please, from Kittery to Portland, 30 feet wide, costing in places \$60,000 per mile, is being built by one of those extra cents of tax that was placed on gas two years ago.

Let me call attention to the fact, and to the members of Cumberland County that there are other sections of the State that want their worn-out roads rebuilt and I submit that it is fair that other sections of the state have their roads improved.

It is a strange coincidence that since twice as much money has been expended in Cumberland County as in any other county in the State of Maine as compared upon the mileage basis, that now our good senators from that section are ready to close the door and say to the rest of the fellows who happen to live in a more remote section, "Ah, we have our roads built. Get yours if you can." It is high time that we take these matters as they are.

Referring to the Senator from Androscoggin. It is true that in the more ancient days, of the beginning of the building of better highways. there was but one way with which to build them and that was through a bond issue, but let me say to the good Senator that in practically every state in the Union today, the policy is toward a "pay as you go" plan and not in the other direction, and I hold in my hand a statement from the State of Minnesota, in addition to North Dakota, whereby within a month's time they, too, have joined the ranks upon the policy of "pay as you go."

I hope, Mr. President, that the motion will prevail.

Mr. OAKES of Cumberland: I feel, Mr. President, that perhaps it is my duty to say that I believe that Cumberland County is ready to pay her share and wants to pay her share and I believe that my friend



from Somerset will not really feel that Cumberland County has in the past, or really now, desires not to pay her share. Not only Cumberland County but other counties throughout the state and it is true we feel that now, I think it is the consensus of opinion that now is not the time to advance the tax on gas. We are ready to pay our share toward good roads. We want the rest of the state to enjoy them and we want to enjoy them with the rest of the state.

One thought regarding the Kittery road, 34 miles of it, or at least the approximate figures, are that there are 34 miles in York County and but 18 in Cumberland, but I realize that Cumberland gets a large benefit of it and at the same time the rest of the state gets a large benefit of it because it is the main artery from which the people from outside the state come in and spread out through the branches into all the state. I do not feel that that road is directly a Cumberland road and I want to assure the Senator from York that we are very appreciative of the work of this committee. They have done a magnificent job but I feel like going on record because I believe it has fallen to me to tell you that the County of Cumberland does not believe that it is for the benefit of the state as a whole to add this tax and impose it on those whom we wish to come in and spend their money throughout the entire state, this coming summer.

Mr. SLOCUM of Cumberland: Mr. President, I am sorry that I must disagree with my colleagues from Cumberland on the stand I shall have to take on this measure. The people in the towns of Cumberland are not ones to have an increase in the gasoline tax but they would prefer to have that, than to have a bond issue and they want good roads. We have a country Senator from Cumberland here and the country Senator is trying to represent the whole county with the idea of doing it in the manner that the people of the towns view it. I hope that the motion of the Senator from Somerset will prevail.

The PRESIDENT: The question is on the passage to be engrossed, the bill having had its two several readings and amended by House Amend-

ment A, and that amendment accepted in this branch.

Mr. HOLMES: Mr. President, I ask for a division.

The PRESIDENT: As many as favor passage to be engrossed, that is, as many as are in favor of the gasoline tax, will arise and stand until counted.

Mr. SPEIRS of Cumberland: Mr. President, Is it too late to ask for a roll call?

The PRESIDENT: It is not. As many as favor a roll call will arise.

A sufficient number having arisen, a roll call was ordered.

The PRESIDENT: All those who wish this bill to be passed to be engrossed, or in other words, all those who wish for the gasoline tax increase will answer "yes" when their names are called, and those who are opposed will answer "no" when their names are called. The Secretary will call the roll.

Those voting "yes" were, Senators Bond, Bragdon, Buzzell, Case, Crafts, Douglas, Drake, Dunbar, Dwinal, Foster, Harriman, Miner, Mitchell, Morrison, Nickerson, Perkins, Pinkham, Roberts, Smith Slocum, Woods—21. Those voting "no" were Senators Holmes, Lord, Maher, Oakes, Spear, Speirs—6. Absent: Mr. Granville.

Twenty-one senators voting "yes" and six voting "no" the bill was passed to be engrossed as amended by House Amendment A, in concurrence.

Mr. WOODS of Penobscot: Mr. President, I have an order which I wish to introduce out of order and move its passage.

(The Secretary read the following order:)

"Ordered: That Senate Document 382 be recalled to the Senate from the Engrossing Department."

Mr. MAHER of Kennebec: Mr. President, what is this No. 382? I do not know.

Mr. WOODS: If I may, I will explain through the Chair.

The PRESIDENT: The Senator may explain.

Mr. WOODS: It is an order that is in regard to the better protection of moose and we found there was a mistake made in the committee when it was drafted and this was recalled through the advice and desire of the

Commissioner of Inland Fisheries and Game.

Mr. CRAFTS: Mr. President, for information, I will say that we left off a portion of the law which allows a hunter who goes into New Brunswick the privilege of bringing home game legally into this state, and we wish to put it on.

The PRESIDENT: The Chair will state that we are amending this or-

der by making it a joint order which we believe is necessary. Is it the pleasure of the Senate that this joint order have passage?

Thereupon, the order received passage.

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On motion by Mr. Smith of Somerset,

Adjourned until tomorrow morning at nine o'clock.